

**Supervisor of the United States**

**Immigration and Naturalization Service**

**No. 725**

**SAINT MICHIGAN CONTAINER**

**I. F. WILSON, AS DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE.**

**IN WILSON'S CONTAINER TO THE UNITED STATES CUSTOMS OFFICE  
ON APPEAL FOR THE UNITED STATES**

**RECEIVED THE DISTRICT FIELD OFFICE, BIRMINGHAM, AL, 1941**

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**TRANSCRIPT OF RECORD  
IN SEVENTEEN VOLUMES**

CHARLES ELMORE DROPLEY  
CLERK

IN THE

**Supreme Court of the United States**

October Term, 1944

788

No. ....

**HARRY BRIDGES,**

Petitioner,

vs.

**I. F. WIXON,** as District Director, Immigration  
and Naturalization Service, Department of  
Justice,

Respondent.

**VOLUME III**

**Pages 969 to 1419**

**UPON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES CIRCUIT COURT OF APPEALS  
FOR THE NINTH CIRCUIT**





**No. 10450**

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**United States**  
**Circuit Court of Appeals**  
**For the Ninth Circuit.**

**HARRY BRIDGES,**

**Appellant,**

**vs.**

**I. F. WIXON, as District Director, Immigration  
and Naturalization Service; Department of  
Justice,**

**Appellee.**

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**Transcript of Record**

**VOLUME III**

**Pages 969 to 1419**

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**Upon Appeal from the District Court of the United States  
for the Northern District of California,  
Northern Division**



After Recess — 2:00 P. M.

Presiding Inspector: You may proceed.

**BENJAMIN GITLOW**

a witness called on behalf of the Government, having been previously duly sworn, resumed the stand and further testified as follows:

**Direct Examination (Resumed)**

By Mr. Del Guercio:

Q. Mr. Gitlow, I will hand you a document dated November 28, 1928, and ask you if you can identify it?

A. (Examining document) This is a release from the National Office of the Workers Communist Party which was sent to all Party units on November 28, 1928, dealing with the calling of the Party Convention on February 1, 1928, in New York City.

Q. And by whom is it signed?

A. It is signed by Jay Lovestone, the Executive Secretary of the Party.

Q. And there appears to be attached to it a direction "To all District Organizers, to all Party units, to all editors," is that correct?

A. Yes. That is the call to the Convention that is attached to it.

Q. Where did you get this document?

A. I got this as a member of the Political Committee.

Q. And is the agenda of the Convention attached to [216] this document?

A. Yes. It says as follows:

(Testimony of Benjamin Gitlow.)

"In accordance with the call of the Central Executive Committee issued November 8th, with the approval of the Executive Committee of the Communist International, the Central Executive Committee has decided upon the following rules to govern the Sixth National Convention, to be held in New York City on February 1, 1929."

In other words, even the rules for the Convention were approved by the Communist International.

"The agenda for the National Convention follows:

"1. Report of the Central Executive Committee (economic and political situation activities of the Workers (Communist) Party and tasks before the Party).

"2. Report of the National Executive Committee of the Young Workers (Communist) League.

"3. Report of the Sixth World Congress of the Communist International.

"4. Report on the Right Danger and Trotskyism.

"5. Report on Trade Union Work.

"6. Party Organization Problems.

"7. Negro Work.

"8. The War Danger and the Struggle Against American Imperialism. [217]

"9. Election of the Central Executive Committee and the Central Control Commission."

Q. What is the World Congress, Mr. Gitlow?



(Testimony of Benjamin Gitlow.)

A. That is the Convention of the Communist International.

Q. Where is it held?

A. It is held in Moscow.

Q. How often are they called or held?

A. According to the statutes they are supposed to be held every two years, but they are not held as often as that. Sometimes a period of as long as four years goes by before a Convention is held.

Q. Have you ever attended a Congress of the Communist International?

A. No; I never attended the Congress.

Q. And what is this war danger and struggle against American imperialism?

A. That is the point on the agenda in which the tactics which the Communists would use during a war crisis would be considered plus the policy that the Party would use in its struggle against American Imperialism.

Q. And are reports of these various Congresses published?

A. Yes, they are published.

Q. By whom?

A. They are published by the Central Executive Committee of the Party.

Q. And distributed? [218]

A. And distributed.

Q. And what effect does the decision of the World Congress have upon the Communist Party?

A. Such decisions are always binding upon all Communist Parties.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer that document in evidence, if your Honor please.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 59.)

Presiding Inspector: You mean they are binding on the Central Executive Committee?

The Witness: Of which party?

Presiding Inspector: Of the Communist Party.

The Witness: Yes, always. The only party that could change the decision of the World Congress of the Communist International would be the Russian Party.

Presiding Inspector: And they could?

The Witness: Yes; but no other party.

By Mr. Del Guercio:

Q. And why can the Russian Party of the Communist International change it?

A. Because they enjoy the favored position of being the real boss of the outfit—that is, to put it bluntly.

Q. I will show you what purports to be a "Resolution on the American Question, final text endorsed by Presidium [219] of ECCI, July 1—" — in ink, and the "6" underneath on the typewriter, I think—"1927," and ask you if you can identify that.

A. (Examining document). Yes. That is an official decision of the Communist International

(Testimony of Benjamin Gitlow.)

dealing with the question of the American Party, its policies, its internal situation. That was made on July 7, 1927.

Q. You say July 7th?

A. Yes. Here it is underneath in the Russian form, 6/7/27.

Q. Oh! And how did you get this document, Mr. Gitlow?

A. I was present in Moscow at the time as a delegate to the Executive Committee to the Communist International, the decision was made, and was one of the delegates. It was handed to me with the stamp of the Communist International.

Q. And the stamp, where does that appear?

A. (Examining document) On the last page.

Q. On the last page. I want to call attention to the seal appearing on the last page of this document.

Now, that is the seal, you say, of the—

A. (Interposing) That is the seal of the Communist International.

Q. By whom is this document signed?

A. What is that?

Q. By whom is it signed?

A. This document was signed by Braun. [220]

Q. B-r-o-w-n?

A. B-r-a-u-n, here, in the name of the sub-commission. The Communist International appointed a sub-commission to go into the American question, as they called it, dealing with the affairs of

(Testimony of Benjamin Gitlow.)

the Party, both its political and internal affairs, and the Chairman of that Sub-commission was Braun.

Q. Do you know who he is?

A. I know who he is. He signed this decision which was reached in Moscow, and later he was appointed to be the representative of the Communist International to the American Party preceding the convention and during the convention, and for a short period after the convention in 1927. The same Braun later was sent to Brazil to ferment a revolution in Brazil, was arrested, and is in prison at the present time, but the Comintern does nothing to defend him or to take up his case.

Q. Now, this is a decision reached by the Presidium on the American question?

A. That is right.

Q. And what effect did this resolution have upon the Communist Party in the United States?

A. It was binding on the Communist Party of the United States.

Q. And what was the American question referred to in the document? [221]

A. At that time that referred to the policies of the Party in reference to the struggle against imperialism, meaning American Imperialism, and the war danger. In 1927, the Communist International was already preparing for a war crisis, which they expected would break out soon, and in preparation for that crisis all Communist Parties had to develop tactics in line with the particular conditions that prevailed in their own countries, as well

(Testimony of Benjamin Gitlow.)

as to accept the general Communist policies in reference to activities during a crisis; that was one phase.

Then, the internal problems—I would say the domestic problems, rather, concerning the Party in the United States dealing with the political situation; the trade-union question, and other matters which concerned the American Party and its activities in this country, and third, the internal situation in the Party, that is, whatever friction or factional situation you had between the leadership and the Party.

Mr. Del Guercio: I offer this document in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 60.)

By Mr. Del Guercio:

Q. Now, I will show you what purports to be an agreement for the carrying out of the resolution of the American question adopted by the Presidium of the Executive Committee of the [222] Comintern, and ask you if you can identify it?

A. (Examining document) Yes, I identify this.

Q. How did you come in possession of this document?

A. As one of the delegates to the Executive Committee of the Communist International I received this document which was signed by the following



(Testimony of Benjamin Gitlow.)

persons: "J. Lovestone, myself, John Pepper, James P. Cannon, William Z. Foster, William W. Weinstein and Braun," as I reported before, who was head of the sub-commission appointed to handle the American affairs at the Communist International at that particular time. This has the signatures of all the delegates from the American Party who were present in Moscow, plus the seal of the Communist International.

Q. And it was executed and signed in Russia?

A. It was executed and signed in Russia.

Q. Well, why was it necessary to have an agreement for the carrying out of the resolution?

A. Because we had a factional situation in the Party and they wanted to make sure that we would have on black and white the agreements reached in liquidating that factional situation.

Mr. Del Guercio: I offer this document in evidence, your Honor.

Presiding Inspector: It may be received. [223]

(The document referred to was received in evidence and marked Government's Exhibit No. 61.)

By Mr. Del Guercio:

Q. I will show you what purports to be an original letter on the letter head of the "Communist Part of the United States of America, Section of the Communist International" dated August 25, 1929, and ask you to identify it.

A. (Examining document) That is a letter from the Executive Department to myself.

(Testimony of Benjamin Gitlow.)

Q. Did you receive the letter?

A. I received the letter, yes.

Q. Was that written before or after your expulsion from the Communist Party, Mr. Gitlow?

A. Well, I wouldn't be sure of the dates, whether it was before or after; evidently, it was before I was expelled.

Q. Now, this letter speaks of material concerning the situation in California and asking you to return it.

To what material does it refer particularly?

A. It refers to material dealing with an internal situation we had in the California District of the Party, which was considered by the National Convention of the Party, and then was referred to the Communist International, and I, as General Secretary of the Party, took all that material to Moscow with me.

Q. Did you return it as requested? [224]

A. No, I did not.

Q. You kept it? A. Yes, sir.

Mr. Del Guercio: I offer this letter in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 62.)

By Mr. Del Guercio:

Q. I will show you an original letter dated June 21, 1929, on the letter head of the Communist Party of the United States of America, and ask you to identify it.

(Testimony of Benjamin Gitlow.)

A. (Examining letter) This is a letter that was sent to me.

Q. By whom?

A. By Robert Minor, for the Executive Department of the Party, and the Secretariat.

Q. Now, with what does this letter deal?

A. That letter deals with the situation which led up to my expulsion from the Party.

If you want I will read it all and explain it.

Q. If you please.

A. (Reading): "Dear Comrade Gitlow: By action of the Political Committee of June 19, 1929, you are herewith instructed immediately to make a written statement to the Political Committee of the Party through the Secretariat [225] before the question of your future work in the Party is settled. In this statement you must make clear the following points:

"1. To declare that you accept without reserve and recognize the complete correctness of the Comintern Address and the other Comintern decisions on the American question."

This was a decision on the American question reached in Moscow in 1929 in the form of what was known as an address to the American Party, and in this address to the American Party Stalin required, Stalin personally, required of me that I should sign a confession in Moscow that I had acted against the principles of Communism and the Party; that I had supported Herbert Hoover, and other such ridiculous charges.

(Testimony of Benjamin Gitlow.)

He wanted me to sign that confession to prove that I was a good Communist.

I told Stalin to his face that he could keep his confession; that when I went back to the United States I would fight him.

This is the letter then of the Party to me that I should sign this confession if I wanted to continue to work for the Party.

"2. To declare that you will carry out the Address and the decisions and defend the political correctness of the Address and the decisions before the Party."

In other words, not only should I sign the confession, but [226] defend its correctness and its political logic, and so forth and so on.

"3. To declare that you will support and defend the present leadership of the Communist Party of the United States of America in its work of carrying out the Comintern line and in its fight against all forms of open or concealed opposition to the Communist International and to the leadership of the American Party.

"4. To declare that you denounce and emphatically condemn the anti-Comintern conduct of the majority of the delegation of the Communist Party of the United States of America in Moscow in reference to the position there taken toward the Comintern Address."

At that time there was an appeal from the majority of the Party against Stalin's order that the majority should give up its leadership of the Ameri-

(Testimony of Benjamin Gitlow.)

can Party and turn that leadership over to the minority of the Party. The Party wanted me, in addition to signing Stalin's confession, also to turn my back upon those members of the delegation that fought against Stalin's move in Moscow at that time. [227]

"The Political Committee at the above-mentioned meeting of June 19th decided to instruct you to make a written statement as above described"—in other words, they make the statement and ask you to rewrite it as above described—"within 48 hours after receipt of these instructions, to be delivered into the hands of the Secretariat by the end of the 48-hour period."

If I didn't do that I stood expelled from the Party.

Q. Did you make such a written statement?

A. I made a reply to this in which I reiterated my stand and position and refused to accept the orders of Stalin and the Communist Party.

Q. What happened after that?

A. I was expelled from the Party.

Q. Were you officially notified of your expulsion?

A. No. You could read the Daily Worker — they had reams of abusive language against me, called me all kinds of names, and notifying the public that I was guilty of every crime under the sun and stood expelled from the Party.



(Testimony of Benjamin Gitlow.)

Q. And did they review in the *Daily Worker* your work for the Party from its inception to 1929?

A. No. They always forget that. They always deal with the last point and forget the first.

Q. I note on this letter the following legend: "Official Organ 'Daily Worker' ". Does that appear on all the letter- [228] heads of the Communist Party? A. It did in my time.

Q. Now, you said that you were in Russia and that Stalin himself asked you to sign certain confessions?

A. Well, I will explain that to you. I arrived with a delegation in Russia in 1929. They appointed a special commission to handle the appeal of the majority of the American Party in Russia. The Chairman of that Commission was Molotov, who is now the Secretary of Foreign Affairs for the Soviet Union. He was Secretary, handling the affairs of the American Party; the appeal at that time.

At the first meeting of the Commission Stalin himself was present and spoke.

At subsequent meetings of the Commission Stalin was present and spoke.

When the decision was finally reached by the Commission, and approved by the Executive Committee of the Communist International, Stalin was present, made a speech, demanded that the decision be accepted.

At that memorable meeting I refused to accept the decision and also told Stalin that I would return

(Testimony of Benjamin Gitlow.)

to the United States and fight against him and the decision.

In addition to that, after that a special meeting of the Executive was held at which a whole series of motions were drafted. These motions were read by Molotov, dealing with the [229] American question.

These motions were of the following nature:

1. All who had refused to accept Stalin's decision on the American Party were removed from all official posts in the Party.

In addition to that, new officials for the Party were appointed.

Furthermore, the Comintern elected a special representative to go to the United States with full power to do anything he wanted to do with the American Party. This representative went under the name of Williams.

In addition, a motion was read and carried at that Executive at which a large sum of money was put aside to finance the position of Stalin in his fight against what he called the opposition to his line in the American Party.

Furthermore, the representative that was sent to the United States was given the power to remove officers, to remove editors, to expel members, to nullify all decisions. He had absolute autocratic power over the Party.

That is the kind of control that Stalin has over the International Communist movement.

Q. Were you detained in Russia?

(Testimony of Benjamin Gitlow.)

A. Oh, yes.

Q. That is, following your refusal to sign the confession?

A. After my refusal to accept Stalin's decision I was held [230] under the pretext of being a witness on certain charges lodged against John Pepper.

I demanded to be given my passports in order to leave the Soviet Union as quickly as possible. I was kept back for about four weeks before I was permitted to leave the Soviet Union.

In the meantime Stalin had dispatched those Communists in Moscow who supported his position, plus his representatives, plus the money to carry on the fight in the United States.

After that I received my passports and came back to the United States.

It is to be noted in this respect that when a Communist from another country comes to Moscow he must give up his passports. His passports are taken by the Organization Department, a special bureau of the Organization Department of the Comintern, which is under the direction of the OGPU, and the Chief of that Department is a member of the OGPU. That is the political police, or the Commissariat of Internal Affairs in the Soviet Union. You cannot leave Moscow unless the passport is returned to you. In that way they keep many, many Communists in Moscow for months, and years, and very often certain Communists in opposition are forced into suicide because of the

(Testimony of Benjamin Gitlow.)

tactics used by the machine against them in Moscow, fighting against which is hopeless on their part.

Mr. Del Guercio: I offer this document in evidence, if your Honor please. [231]

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 63.)

By Mr. Del Guercio:

Q. I show you a paper on the back of which appears the letterhead of the Workers Communist Party of America, and on the other side of which contains some figures, and ask you to identify it.

A. (Examining paper) This is a notation on moneys received from the Communist International for the special miners' fund in the United States.

Q. Is that the fund concerning which you previously testified this morning? A. Yes.

Q. In whose handwriting are these figures?

A. They are in the handwriting, I believe, of Nemser—N-e-m-s-e-r.

Q. And how did you come into its possession?

A. I was entrusted with the funds when the other two members of the Secretariat, William Z. Foster and Jay Lovestone went as delegates to the Sixth World Congress of the Communist International, and necessarily I had to have an accounting.

Mr. Gladstein: Could we have the date of that, Mr. Del Guercio?

Mr. Del Guercio: There is no date on it. [232]

(Testimony of Benjamin Gitlow.)

The Witness: That was in 1928.

Mr. Gladstein: Maybe the witness knows.

The Witness: That was in 1928.

By Mr. Del Guercio:

Q. There appears this date at the bottom of the page—

A. (Interposing) That is the eighth month and the 30th day.

Q. Of what year? A: 1928.

Q. And there was a balance of how much on that date?

A. A balance at that time of \$2150.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 64.)

By Mr. Del Guercio:

Q. I show you a red delegate card, "Trade Union Unity Convention, Cleveland, Ohio, August 31, 1929," and ask you how you came into the possession of such card—first, in whose name is this card issued?

A. I will have to have some more light—I cannot make out the name.

Q. Perhaps you didn't get my question. In whose name is the card issued?

A. I thought you meant who signed the credential card. [233] That was made out in my name.



(Testimony of Benjamin Gitlow.)

Q. You say this is a credential card?

A. Yes.

Q. And who gave you the card?

A. The Credentials Committee at the Trade Union Unity Convention that was held in Cleveland, Ohio, on August 31, 1929.

Q. Was this after your expulsion from the party?

A. That was after my expulsion from the Party, but as a member of the National Committee of the Trade Union Unity League, or the Trade Union Educational League, which called this conference, I was entitled to a delegate's status at the Convention.

Q. Did you attend that Convention?

A. I attended that Convention, but I was surrounded by a Party goon squad that told me if I opened my mouth they would take very good care of me.

Q. What sort of a Convention was this?

A. The Convention which organized the Trade Union Unity League.

Q. Is that the successor of the Trade Union Educational League?

A. That was the successor of the Trade Union Educational League.

Q. And who sponsored the Trade Union League?

A. It came as a result of a decision of the Communist [234] International to organize such a league, and to drastically change the policy of the Party from working inside of the existing trade

(Testimony of Benjamin Gitlow.)

unions of the A. F. of L., and to organize unions controlled and dominated completely by the Communist Party. I spoke about that yesterday when you questioned me.

Q. And how long did that convention last?

A. That convention lasted over a weekend, I believe.

Q. Were you present throughout the entire period of the convention?

A. Yes, I was present.

Q. Surrounded all the time by this so-called Communist goon squad?

A. Well, the convention was about 90 per cent Communist attended.

Mr. Del Guercio: I offer this card in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 65.)

By Mr. Del Guercio:

Q. I show you a document entitled, "Resolution of the Broadening of the TUEL and the building on an oppositional bloc in conformity with the CI decision" and ask you if you can identify it?

A. (Examining document) Yes; this was a very important [235] document that was drawn up in line with the decision of the Communist International in the year 1927, and at that time the Communist International insisted that we try to

(Testimony of Benjamin Gitlow.)

form a progressive bloc in the trade union movement. It was the beginning of the tactic which culminated in success in the organization of the CIO. For a short period of time in 1929 that policy was abandoned but later on it was picked up again, and this is the decision of the Communist International which was interpreted and digested for the benefit of the Party members.

Q. And how did you come into possession of this document?

A. As a member of the Political Committee I received this document.

Q. Now, on the bottom of page 5 of this document appears this: "Comrad Harrison George, Secretary of the National Committee in IWW, shall, in cooperation with Comrade Wangerin of the Railroad Amalgamation Committee, submit proposals for the organization of a Port Bureau in New York."

To what does that refer, Port Bureau, particularly in New York?

A. Well, Harrison George at that time was a member of the IWW, and we organized an opposition movement in the IWW and constituted a national committee on that opposition movement, and Harrison George was Secretary of that national committee of the opposition movement in the IWW.

This Comrade Wangerin was Secretary of the Railroad [236] Amalgamation Committee. The opposition movement, in the Railroad Brotherhood was called the Railroad Amalgamation Committee,

(Testimony of Benjamin Gitlow.)

and Wangerin, a member of the Party, was Secretary of that Committee, and being experienced in trade unions, since Wangerin had to do with railroad transportation, and Harrison George was familiar with the Transport Workers, the Marine Transport Workers Union of the IWW, they were asked to submit concrete plans for the organization of a Port Bureau to handle the question of the organization of the Waterfront Workers and the Seamen.

Q. Well, was this Comrade George, Harrison George, also a member of the Communist Party at the time?

A. He was a member of the Communist Party at the time.

Q. And at the same time a member of the IWW?

A. Yes, sir.

Q. The IWW is the Industrial Workers of the World?

A. Of the World, but the IWW was not a Communist organization; in fact, the IWW fought the Communist Party. He was Secretary of an opposition movement in the IWW which sought to get hold of the IWW for the Communist Party.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 66.)

(Testimony of Benjamin Gitlow.)

By Mr. Del Guercio:

Q. I show you a letter, an original letter, dated [237] September 13, 1923, on the letter head of the "Trade Union Educational League", and ask you if you received this letter?

A. (Examining document) Yes, I received this letter.

Q. That is addressed to you?

A. That was addressed to me.

Q. By whom? A. By Earl Browder.

Q. Now, I note on the letter head that William Z. Foster is named as Secretary-Treasurer.

A. That is right.

Q. Of the Trade Union Educational League, and this was at the time that he was denied membership in the Communist Party?

A. That is right.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 67.)

By Mr. Del Guercio:

Q. What was Earl Browder at the time this letter was written, Mr. Gitlow?

A. He was acting as the unofficial secretary of the Trade Union Educational League, because Foster was on the road most of the time, and as Editor of Labor Herald.



(Testimony of Benjamin Gitlow.)

Q. Well, Earl Browder at the time, was he a member of [238] the Communist Party?

A. And he was a member of the Communist Party at the same time.

Q. Was he openly associated with the Trade Union Educational League? A. Yes.

Q. Earl Browder? A. Yes.

Q. I will show you an original letter dated February 25, 1927, and ask you if you can identify it?

A. (Examining document) Yes, that is a letter from Earl Browder to me.

Q. About what?

A. Asking me to write some articles for Labor Unity.

Q. Labor Unity; now, is that a magazine, did I understand you to say, or a newspaper?

A. No; that is a magazine.

Q. A magazine? A. Yes, sir.

Q. Under the control of the Communist Party?

A. Under the control of the Communist Party.

Q. And the acting editor at that time, according to this letter, was Earl Browder?

A. No; the editor was Earl Browder, and there was a stamp putting Earl Browder's signature per the acting editor. [239] I can't remember who the acting editor was at the time, but the official editor was Earl Browder.

Q. Did you write any articles for the Labor Unity?

A. I can't recall at this time whether I did or not.



(Testimony of Benjamin Gitlow.)

Q. Did you generally contribute articles at all, or did you, during the time you were a member of the Communist Party?

A. Yes, I did. I know I wrote articles for Labor Herald, but whether I wrote some for Labor Unity, I can't recall.

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes, a short recess.

(Whereupon a short recess was taken.)

Mr. Del Guercio: If the Court please, I will offer that last document in evidence.

Presiding Inspector: Wasn't that received?

The Reporter: No sir, it was not.

Presiding Inspector: It will be received now.

(The document referred to was received in evidence and marked Government's Exhibit No. 68.)

By Mr. Del Guercio:

Q. I will show you another original letter dated January 10, 1926, on the letter head of the Labor Unity, "The Voice of Militant Labor", and ask you if you received this letter?

A. (Examining document) I received this letter. [240]

Q. And who sent it to you?

A. Earl Browder.

Q. And what are the contents of the letter?

A. A request for an article on the Amalgamated Clothing Workers Union.

Q. Did you submit such an article?

(Testimony of Benjamin Gitlow.)

A. I don't recall whether I did or not.

Q. This indicates that they have written to you before about that article; is that correct?

A. Oh, yes, very often.

Q. You were a member of the Communist Party at the time, of course? A. I was, of course.

Mr. Del Guercio: We offer this in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 69.)

By Mr. Del Guercio:

Q. I will show you a document purporting to be the "Resolution on building the Trade Unity League" and ask you if you can identify that?

A. (Examining document) Yes.

Q. How did this come to your possession?

A. As a member of the Political Committee.

Q. And when did you get this? [241]

A. I got that in 1928, I believe.

Q. Well, was this prior or after the convention there in Chicago?

A. Just a moment. Let me look over the document and I will be more sure about it.

Q. In Cleveland, instead of Chicago.

A. (Examining document) No, I think that was after; that was not in my time. [242]

Q. That was after you disassociated yourself with the Communist Party? A. Yes.

Q. Could you determine now how you received this document?

(Testimony of Benjamin Gitlow.)

A. Well, I couldn't tell you now. In the Party I received documents officially. This document I received from contacts in the Party, but not in an official capacity.

Q. Is it possible that this could have been prepared prior to the time of the Convention of the TUUL in Cleveland?

A. No, this cannot be because it mentions the unemployed demonstrations in March, which was after my expulsion from the Party.

Q. Now, on page 3 of this document appears this:

"The lack of sufficient leading forces who follow the correct revolutionary line is one of the elementary reasons for the weakness of the TUUL. The problem of new cadres is a vital problem for the TUUL, its revolutionary unions and for all sections of the RILU."

Is that the reason, as you understand it, for the formation of the TUUL?

A. Well, that was one of the reasons that they wanted the TUUL, but that wasn't the only reason.

Q. And further on it appears:

"Our cadres must have Bolshevik clarity and Bolshevik ability to organize workers." [243].

What is meant by that?

A. Well, they must act like Bolsheviks, following the example of the Russian Bolsheviks in organizing the workers, and utilizing the workers' movement for Communist political purposes.

Q. Do you know how the Bolsheviks work?

(Testimony of Benjamin Gitlow.)

A. They work in any number of ways, depending on the particular situation and the circumstances and the time.

Mr. Del Guercio: I offer this document in evidence, if your Honor please.

Mr. Gladstein: We object. It hasn't been identified by the witness in any way. There is no authenticity shown. The witness doesn't explain how he received it. In fact, he doesn't explain that he did receive it.

Presiding Inspector: Perhaps you had better identify that further.

Mr. Del Guercio: I understood the witness to say it was given to him through his contacts.

Presiding Inspector: It isn't very clear that he got it from members of the Communist Party, or that there is any connection between that and the Communist Party.

By Mr. Del Guercio:

Q. Can you now at this time recollect as to how you came into possession of this particular document?

A. I have made it a point since my disassociation with [244] the Communist Party to follow the Communist Party very closely and to keep in touch with all developments in the Communist movement, and to come into possession of all literature, pamphlets, books, documents, and so forth, concerning the Communist movement, so I am fully acquainted with every phase of the Communist movement.

(Testimony of Benjamin Gitlow.)

Q. And was it in the course of such associations that you received this document?

A. Yes.

Q. Can you say more definitely from whom you may have received it?

A. No, I couldn't.

Q. Well, are you certain it was received from a member of the Communist Party?

A. I am certain it was received from Communist sources, and it is an authentic Communist document.

Mr. Del Guercio: I make the offer again.

Presiding Inspector: Did it issue from the Communist office by internal evidence, can you tell?

The Witness: No; that I couldn't tell.

Presiding Inspector: Do you still object?

Mr. Gladstein: Yes.

Mr. Grossman: This same question will come up again, and to which we object, and we would like to give a prepared statement which we have to— [245]

Mr. Del Guercio: (Interposing) I will withdraw the document, please.

Presiding Inspector: It is withdrawn.

By Mr. Del Guercio:

Q. I show you an original letter dated July 2, 1925, on the letterhead of the Trade Union Educational League, and ask you did you receive this letter and the enclosure therein mentioned?

A. Yes; I received this letter.

Q. What is it about?

(Testimony of Benjamin Gitlow.)

A. It refers to decisions of the National Committee of the Trade Union Educational League. The letter was sent me by William Z. Foster, with the minutes of the National Committee of the Trade Union Educational League held July 1, 1925.

Q. Are you familiar with the signature of William Z. Foster? A. I am; yes.

Q. Is that his signature?

A. (Examining signature) That is his personal signature.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 70.) [246]

By Mr. Del Guercio:

Q. What was the enclosure, Mr. Gitlow?

A. The minutes of the National Committee of the Trade Union Educational League held, I believe, July 1st, and I think there is a date mark on it, 1925.

Q. I will show you what purports to be the minutes of the D. W. Management & Prom. Comm., dated February 26, 1927, and ask you to identify it.

A. Those are minutes of the Daily Worker Management and Promotional Committee of the Central Executive Committee elected by the Polcom.

Q. And I note there were present—

A. (Interposing) Present, Trachtenberg, Salzman, Royce, Brodsky, and Miller;



(Testimony of Benjamin Gitlow.)

Q. Were they all members of the Communist Party at the time?

A. Members of the Communist Party.

Q. And is that the same Joe Brodsky that you testified concerning previously?

A. The same Joe Brodsky I testified about before.

Q. Do you know Bert Miller, who appears here as the Secretary of the Daily Worker Management Committee?

A. Yes. He was the Business Manager of the Daily Worker at the time.

Mr. Del Guercio: I offer this document in evidence. [247]

Mr. Gladstein: Before that is done could we ask how Mr. Gitlow, who doesn't appear to have attended the meeting, came into possession of the document?

By Mr. Del Guercio:

Q. How did you come into possession of this document?

A. At that time I was the special representative of the Polcom to the Daily Worker on Management Affairs and I received minutes of all these meetings.

Q. In the usual course of the business of that Committee? A. Yes.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 71.)

(Testimony of Benjamin Gitlow.)

By Mr. Del Guercio:

Q. I will show you what purports to be a signed copy of a letter dated October 7, 1925, to "All Members of the Former Central Executive Committee of the Party," signed by C. E. Ruthenberg, General Secretary, and ask you if you can identify it?

A. (Examining letter) Yes; I can identify it.

Q. What is it?

A. That is a copy of a letter directing that the stocks held in the Daily Worker Publishing Company by members of the Central Executive Committee should all be turned over to the Secretariat of the Party. This letter was signed personally [248] by Charles E. Ruthenberg. It was made in duplicate form for there were many members of the Central Executive Committee who held stock in the Daily Worker Publishing Company in the name of the Party, and they were directed to transfer the stock to the Secretariat of the Party.

Q. And did you receive directly that copy of the letter?      A. Yes.

Mr. Del Guercio: I offer it in evidence, if your Honor please?

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government's Exhibit No. 72.)

By Mr. Del Guercio:

Q. This letter is dated October 7, 1925. Were

(Testimony of Benjamin Gitlow.)

you a member of the Central Executive Committee at the time?      A. Yes.

Q. Was any of the common stock of the Daily Worker issued in your name?

A. I think it was issued in the names of the members of the Central Executive Committee and we had to return that stock to the Secretariat.

Q. I show you a letter, original letter, dated October 28, 1925, on the letterhead of the Workers Party of America, addressed to "Benjamin Gitlow", and signed by "C. E. Ruthenberg, General Secretary," and ask you if you received this letter? [249]

A. (Examining letter) Yes; I received this letter.

Q. Did you also receive the enclosure mentioned?

A. Yes; I received the enclosure mentioned.

At that time, that was at the beginning of the Anthracite coal miners strike. I was designated by the Central Executive Committee to be the Party representative and the Party Director of the Policy in the Anthracite strike region and, as a result, I got this letter with the leaflet enclosed, which outlined the policy of the Party.

This leaflet was published by the Party, its printing was paid for by the Party, and it was issued in the name of the Progressive Miners' Committee, and signed by Alex Reid, Secretary, who happened to be a Party Member and the leaflet was entitled "Miners! Are we fighting or playing with the Bosses?" And then it goes on to say:

(Testimony of Benjamin Gitlow.)

"An open letter to President John L. Lewis by the Progressive Miners' Committee."

The leaflet was drawn up by the Political Committee of the Party, printed with Party funds, and distributed among the miners in the name of a so-called non-Communist Miners' Progressive organization.

Q. And is that one of the practices of the Communist Party?      A. Oh, yes.

Q. That is, to prepare such leaflets?

A. Yes. Where they controlled trade union officials in [250] bona fide unions they prepare the material for them, and these officials issue it in the name of the Union.

Mr. Gladstein: May I call your Honor's attention again to the habit of Government Counsel to lapse into the phrasing of his questions in the present tense in asking the witness about matters that he himself dates as of prior to 1929?

Presiding Inspector: I think it is clear that that probably is the fact.

Mr. Gladstein: Is that your understanding, Mr. Del Guercio?

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. But you say you have kept in touch with the Communist movement since your expulsion from the Party?      A. Oh, yes.

Q. In what manner, Mr. Gitlow?

A. By following up its literature, by having contacts with members of the Communist Party who

(Testimony of Benjamin Gitlow.)

report to me on the affairs in the Communist Party, and generally by keeping a very close contact and observation of the movements, following closely all its developments.

Q. From your associations with the various members of the Communist Party since your expulsion, and from the reading of the official Communist Party literature, would you say that it is the practice at the present time of the Communist Party to prepare such literature? [251]

A. Oh, yes.

Mr. Gladstein: I think this calls for an opinion and conclusion and it is just a guess, and not first hand knowledge, or experience, and I object for that reason.

Presiding Inspector: It may not be very clearly stated; nevertheless I think I will receive it.

Mr. Del Guercio: What?

Presiding Inspector: I will receive it, although it may not be very convincing.

The Witness: I will say in this respect that you have to account for the fact that if you will turn your attention to the material that comes out of the unions which are controlled by the Communist Party at the present time, you will find that they deal with the same slogans, they support the same issues, they take the same political stand, showing clearly that they follow 100 per cent the line of the Party, and that the practice that prevailed in my time still continues today.

Mr. Gladstein: Now, that is rather vague and

(Testimony of Benjamin Gitlow.)

ambiguous, and I move to strike the answer unless it is tied up with something very specific. The witness hasn't said anything which enlightens the Court in any way.

Mr. Del Guercio: On the contrary, it seems that he has.

Presiding Inspector: I think I will receive it. The Presiding Examiner is going to be very liberal in the receiving of evidence. [252]

Mr. Gladstein: All right, your Honor.

By Mr. Del Guercio:

Q. I call your attention to the Union label stamp that appears at the bottom of this leaflet. Do you know what that signifies?

A. Well, the No. 290 on the Union label signifies the shop which is entitled to use that Union label.

Q. Was that particular shop used many times by the Communist Party?

A. I don't know. You would have to check back and find what shop 290 represented for me to tell you.

Mr. Del Guercio: I offer this last document in evidence, if your Honor please.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 73.)

By Mr. Del Guercio:

Q. I will show you what purports to be a signed copy of the Strike Meeting, Wilkes-Barre, on Sep-



(Testimony of Benjamin Gitlow.)

tember 9, 1925, and I will ask you if you can identify that?

A. (Examining document) Yes; I can identify that. [253]

Q. Now, how did it come into your possession?

A. August Valentine, who signed this, was the Secretary of the Party Fraction in the Anthracite. He was sent in. He did not originally come from the Anthracite. He was a young miner; he was sent into the Anthracite to act as the Secretary of the Party Fraction. This was one of his reports which he sent to me as a representative of the Political Committee in the Anthracite situation at the time.

Q. And with what does this deal?

A. This deals with the distribution of leaflets and Daily Workers in the strike territory.

Q. And does it also show how many leaflets and copies of the Daily Worker were distributed there?

A. Yes.

Q. I believe it states that 15,000 leaflets and 1,075 Daily Workers were distributed; is that correct?

A. Well, I think so. That is what it says. I didn't tabulate it; I didn't add it up. If you add it, then, that would be—

Q. (Interposing) That is stated on there; the total is given on it.

A. Wait just a moment. (Examining document) Oh, yes, the total is \$15,000 leaflets and 1,075 Daily Workers.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I will offer that in evidence, if your Honor please. [254]

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 74.)

Mr. Del Guercio: If the Court please, may we ask your indulgence for a moment? We have a number of documents that are not in the room that will necessitate a short recess in order to obtain them.

Presiding Inspector: Can you get them ready in five or ten minutes?

Mr. Del Guercio: Yes.

Presiding Inspector: A short recess.

(Whereupon a short recess was taken.)

Mr. Del Guercio: If your Honor please, at this time I would like to offer in evidence certified copies of statements of ownership, management, circulation, etcetera, required by the Acts of Congress of August 24, 1912, and March 3, 1933 of the following publications: The Daily Worker for the years October 1, 1934, October 1, 1935, October 1, 1936, October 1, 1937, October 1, 1938, October 1, 1939, and also for the Daily Worker and the Sunday Worker for the year 1940, also for The Communist for the year 1935, 1936, 1937, 1938, 1939, and for the Sunday Worker October 1, 1936, 1937, 1938, 1939.

(Testimony of Benjamin Gitlow.)

These certified copies are under the seal of the Post Office Department of the United States.

Mr. Gladstein: May we see them, counsel?

(Mr. Gladstein examines documents.) [255]

Mr. Del Guercio: Is there any objection to their introduction?

Mr. Gladstein: No.

Presiding Inspector: Received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 75.)

By Mr. Del Guercio:

Q. Now, reading from the first statement of ownership dated October 1, 1934, for the Daily Worker, appears this:

"George Wishnak, who, having been duly sworn according to law, deposes and says that he is the Business Manager of the Daily Worker, and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, as amended by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

"That the names and addresses of the publisher, editor, managing editor, and business managers are:

(Testimony of Benjamin Gitlow.)

"Publisher, Comprodaily Publishing Company, Inc., 50 East 13th Street, New York City; Editor, Clarence Hathaway, 50 East 13th Street, New York City; Managing Editor, James Casey, 50 East 13th Street, New York City; Business Manager, George Wishnak, 50 East 13th Street, New York City.

"2. That the owner is: (If owned by a corporation, its [256] name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.)

"Earl Browder, 50 East 13th Street, New York City; M. Greenbaum, 50 East 13th Street, New York City; A. Markoff, 50 East 13th Street, New York City."

Now, Mr. Gitlow, do you know the Earl Browder mentioned in this certificate?      A. Yes.

Q. And who is he?

A. Earl Browder, the former General Secretary of the Communist Party.

Q. And do you know M. Greenbaum?

A. M. Greenbaum, I don't know.

Q. A. Markoff?

A. A. Markoff is now dead; he was a charter member of the Communist Party.

Q. Do you know George Wishnak?

(Testimony of Benjamin Gitlow.)

A. George Wishnak, yes; he was a member of the Communist Party. He no longer is a member of the Communist Party. [257]

Q. On the second statement of ownership dated October 1, 1935, of the Daily Worker, Carl Brodsky is mentioned as one of the owners of the Daily Worker.

Do you know that Carl Brodsky?

A. I do.

Q. Who is he?

A. He is a member of the Communist Party.

Q. Is he the brother of Joseph Brodsky?

A. Brother of Joseph Brodsky.

Q. Do you know the Clarence Hathaway mentioned in the certificates?

A. That is Clarence Hathaway, the former editor of the Daily Worker, member of the Communist Party, a graduate of the Lenin School, and his whereabouts is now unknown.

Q. Now, on the certificate of ownership, et cetera, of the Daily Worker for October 1, 1937, David Leeds is shown as the Business Manager and one of the owners of the Daily Worker. Do you know that David Leeds?

A. I do.

Q. Who is he?

A. A former member of the Communist Party; I don't think he is a member today.

Q. Do you know when he ceased to be a member of the Communist Party?

A. Not exactly. [258]

Q. On the certificate, statement of ownership

(Testimony of Benjamin Gitlow.)

of The Communist for October 1, 1935, W. E. Douglas is shown as the Business Manager. Do you know who that Douglas is?      A. I don't.

Q. And the owner is shown as the Communist Party of the United States and Earl Browder, General Secretary. Do you know that Earl Browder?      A. Yes, sir.

Q. Is he the same Earl Browder you previously mentioned?

A. The same Earl Browder I referred to before.

Q. On the certificate of ownership of October 1, 1937, of The Communist, Joseph Fields is mentioned as the Business Manager. Do you know that Joseph Fields?      A. I don't know him.

Q. On the statement of ownership for the Sunday Worker, dated October 1, 1936, Joseph North is shown as the Managing Editor. Do you know that Joseph North?

A. I don't know him personally.

Q. And the Comprodaily Publishing Company is shown as one of the owners. What is the Comprodaily Publishing Company, if you know?

A. A Communist Party Publishing Company, a contraction.

Q. On the statement of ownership of the Sunday Worker for October 1, 1938, Jack Lowry, L-o-w-r-y, is shown as one of the owners. Do you know him? [259]      A. I don't.

Q. And on the statement of ownership of the Sunday Worker of October 1, 1935, Harry Kauf-



(Testimony of Benjamin Gitlow.)

man, Benjamin J. Davis, and Avrum Landy are shown with the Daily Publishing Company, Inc., as being the owner of the Sunday Worker.

Do you know any of those three persons mentioned, Kaufman, Davis and Landy?

A. Landy, Avrum Landy.

Q. Who is he?

A. A member of the Communist Party. [260]

Presiding Inspector: We will run about five minutes longer.

Mr. Del Guercio: If the Court please, at this time I offer in evidence a number of statements of ownership filed under the same back, under the seal of the Post Office Department of the United States, containing the statements of ownership for the Sunday Worker for the year 1940, the Daily Worker for the year 1940, The Communist for the year 1940, the People's World for the year 1940, People's World for the year 1939, People's World for the year 1938, the Western Worker for the year 1937, the Western Worker for the year 1936, the Western Worker for the year 1935, the Western Worker for October 1, 1934.

I would like to call the attention of the Court to the statements of ownership of the Western Worker for the years 1937, 1936. The Communist Party, U.S.A., William Schneiderman, Secretary; Anita Whitney, Chairman, are shown as the owners of the Western Worker.

Is that correct?

Mr. Gladstein: The record will show.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: And for the year October 1, 1935, the Communist Party, Lawrence Ross, Organizer, and John Morgan, Secretary, are shown as the owners of the Western Worker for that year.

And for the year 1934, the Communist Party, District 13, [261] San Francisco, California, principal officers, Sam Darcy, District Organizer, and Walter R. Lambert, Organizational Secretary, are shown as the owners.

By Mr. Del Guercio:

Q. On the statement of ownership for the People's World for September 27, 1940, Mr. Gitlow, Harrison George is shown as one of the owners. Is that the same Harrison George concerning whom you have previously testified?

A. That is the same Harrison George, who is a member of the Communist Party, and Editor of the People's World, and a member of the Central Executive Committee, or the National Committee of the Communist Party.

Mr. Del Guercio: I offer it in evidence.

Presiding Inspector: It may be received without objection.

(The document referred to was received in evidence and marked Government's Exhibit No. 76.)

Presiding Inspector: We will recess until tomorrow morning at 10:00.

(Whereupon, at 4:05 P.M. an adjournment was taken to Wednesday, April 1, 1941, at 10:00 a. m.) [262]

*Harry Bridges vs.*

Court Room 276,  
Federal Building,  
San Francisco, California,

April 2, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[263]

PROCEEDINGS

Presiding Inspector: We will proceed.

Mr. Del Guercio: Mr. Gitlow.

BENJAMIN GITLOW

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

Mr. Del Guercio: At this time, if your Honor please, I want to introduce in evidence a certified copy of Certificate of Incorporation of the National Daily Worker Publishing Association, Inc., pursuant to Article 2 of the Stock Corporation Law of the State of New York.

I do not believe there is any objection to this introduction.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 77.)

Mr. Del Guercio: This certificate, among other things, shows that the names and post office ad-

(Testimony of Benjamin Gitlow.)

addresses of the directors until the first annual meeting of the stockholders shall be as follows:

Isaac Shorr, 41 Union Square, New York City;  
Carol Weiss King, 41 Union Square, New York City;  
Fay Siegartel, 41 Union Square, New York City. [264]

By Mr. Del Guercio:

Q. Now, Mr. Gitlow, was the National Daily Worker Publishing Association, Inc., a Communist owned and operated corporation?

A. It was.

Q. And were these directors the real directors of that corporation? A. No; they were not.

Q. You know that of your own knowledge?

A. I know that of my own knowledge.

Q. Do you know the Isaac Shorr mentioned as one of the first directors of this corporation?

A. I do.

Q. Do you know Carol Weiss King?

A. I do.

Q. Is she in court?

A. She is in court.

Q. Do you know Fay Siegartel?

A. I do.

Q. Who is Carol Weiss King?

A. One of the attorneys in court.

Mr. Del Guercio: These Articles of Incorporation are dated October 18, 1927.

I offer in evidence now, if your Honor please, certified copy of ownership of the management of

(Testimony of Benjamin Gitlow.)

The Communist for the [265] year—let's see—executed October 1, 1932, taken from the national archives.

I don't believe there is any objection to its introduction.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government Exhibit No. 78.)

Mr. Del Guercio: This document shows that The Communist was published monthly at New York, New York, for October 1, 1932, and that the publisher was the Communist Party of the United States, 50 East 13th Street, New York City; Editor, Earl Browder, William Z. Foster and William W. Weinstone.

By Mr. Del Guercio:

Q. Mr. Gitlow, are you familiar with those three persons? Do you know those three persons?

A. I know those three persons, yes.

Q. And you knew them as members of the Communist Party?

A. All three members of the Communist Party.

Mr. Del Guercio: I also offer in evidence the certified copy of ownership for The Communist, executed October 13, 1933, taken from the national archives and request that it be marked Government's Exhibit next in order.

Presiding Inspector: No objection to it, it will be received.

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government Exhibit No. 79.) [266]

Mr. Del Guercio: Also statement of ownership for The Communist executed October 1, 1934, taken from the national archives.

Presiding Inspector: Also received without objection.

(The document referred to was received in evidence and marked Government Exhibit No. 80.)

Mr. Del Guercio: I would like to call the Court's attention to the fact both certificates of ownership show that the Communist Party of the United States of America is shown as the owner of the magazine, publisher, rather.

Mrs. King: May I ask the reporter does that take us through Exhibit 80?

The Reporter: Yes.

Mrs. King: Thank you.

Mr. Del Guercio: I now offer the certified copy of certificate of incorporation of the Comprodaily Publishing Company for the year 1929 for the State of Illinois and ask that it be marked Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 81.)



(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: Among other things, this certificate shows the names and post office addresses of each subscriber of this Certificate of Incorporation and the number of shares of stock each agrees to take are as follows: [267]

Isaac Shorr, 799 Broadway, New York City, number of shares, 1; Carol Weiss King, 799 Broadway, New York City, number of shares, 1; Fay Siegartel, 799 Broadway, New York City, number of shares, 1.

By Mr. Del Guercio:

Q. Mr. Gitlow, were they the real owners of this Comprodaily?

A. They were not; they were the dummy owners.

Q. Who is the real owner of the Comprodaily Publishing Company?

A. The Communist Party, and the direct ownership was exercised through the Political Committee and Secretariat.

Q. Why did they use dummy directors, Mr. Gitlow?

A. Well, in the incorporation generally these matters were taken care of by Joseph R. Brodsky, and he incorporated it in that matter.

Q. Was it under the direction of the Communist Party particularly?

A. Well, it was done under the direction of the Communist Party and to hide the real ownership because that could be taken care of later.

(Testimony of Benjamin Gitlow.)

Q. That is the same Carol Weiss King whom you have identified as defendant's counsel?

A. Yes.

Q. One of defendant's counsel? [268]

A. Yes.

Mr. Del Guercio: I now offer in evidence a certified copy of The Daily Worker Publishing Co. from the Secretary of State under the seal of the Secretary of the State of Illinois, containing a number of documents regarding The Daily Worker Publishing Co. This is dated October 30, 1940.

I offer it in evidence and ask that it be marked the next Government Exhibit in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 82.)

Mr. Del Guercio: The first statement appearing on this certificate, among other things, is the following:

"The name of such corporation is The Daily Worker Publishing Co."

"The object for which it is formed is to do a general publishing, printing, manufacturing and trading business."

This statement is dated 1924 and contains a list of the subscribers to the preferred stock.

By Mr. Del Guercio:

Q. Mr. Gitlow, was that the true object of The Daily Worker Publishing Co. as you knew it at that time?

(Testimony of Benjamin Gitlow.)

A. One of the objects of The Daily Worker Publishing Co. was to engage in the job printing business at that time and to do a general commercial business in printing. [269]

But its main object, of course, was to carry the news and interpret the news from the Communist standpoint, and to carry on Communist propaganda and education through the columns of the paper.

Mr. Del Guercio: I also offer a certified copy of the Annual Report of The Daily Worker Publishing Co. for the year 1927, under the seal of the Secretary of the State of Illinois dated October 30, 1940, and ask that it be received as Government's Exhibit next in order.

Presiding Inspector: It will be received as an exhibit.

(The document referred to was received in evidence and marked Government Exhibit No. 83.)

Mr. Del Guercio: Among other things, this document states that the directors of The Daily Worker Publishing Co. at that time were C. E. Ruthenberg, President.

By Mr. Del Guercio:

Q. Is that the same C. E. Ruthenberg who was Secretary of the Political Committee and the Politbureau concerning which you have testified?

A. Yes; Secretary of the Party and a member of the Politbureau and Secretary.

(Testimony of Benjamin Gitlow.)

Q. I also note that Max Bedacht is shown as one of the Directors, and is listed as Secretary-Treasurer. Who is Max Bedacht?

A. Max Bedacht was a member of the Political Committee [270] of the Party.

Q. Of the Communist Party?

A. Of the Communist Party; yes.

Q. And the following are shown as Directors: William Z. Foster, Jay Lovestone and J. P. Cannon. Do you know those three persons?

A. All three were members of the Political Committee, at the time, of the Communist Party.

Mr. Del Guercio: I now offer a certified, exemplified copy of a certificate of ownership of the International Publishers and Booksellers, Inc. for the year 1924 under the seal of the County Clerk of New York County, State of New York, and ask that it be marked as Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 84.)

By Mr. Del Guercio:

Q. Mr. Gitlow, I believe that you have heretofore testified concerning the formation of the International Publishers and Booksellers, Inc.?

A. No, I haven't.

Q. Were you a member of the Polcom, of the Politbureau at the time of the formation of this corporation?

A. I was; yes, sir. [271]

(Testimony of Benjamin Gitlow.)

Q. Did you participate in the discussions leading up to its formation?

A. The International Publishers was formed in the following manner: At that time the Communist International decided to organize a chain of publishing houses in all important countries for the dissemination of the literature of the Communist International, and particularly of the works of Lenin, what they called the classical works of Communism, and the International Publishers was the publishing house for the United States.

It was started originally by A. A. Heller financing the organization of the company in the United States and as a result of the money he put into it he received at that time 61 per cent of the stock and the Communist International retained 49 per cent of the stock.

When I went to Moscow in 1927 the Literature Department of the Communist International took up with me the question of International Publishers and they wanted to know what rights they had under the stock division arrangement.

I told them that anybody who controls 61 per cent of the stock of the corporation in the United States actually controlled that corporation and could do with it whatever they want.

Well, they immediately made arrangements for changing that division and its operations as a corporation in the State of New York, but its actual ownership rests with the Communist International

(Testimony of Benjamin Gitlow.)

and it is the official publishing house of the [272] Communist International.

Q. And it publishes and distributes Communistic literature?

A. It publishes and distributes Communistic literature.

Presiding Inspector: Is Mr. Heller a member of the Party?

The Witness: Mr. Heller was a member of the Party.

Mr. Del Guercio: I offer a certified and exemplified copy of change of name of the International Publishers & Booksellers, Inc., under the seal of the Secretary of State of the State of New York, dated November 7, 1940. The change of name is to that of the International Publishers Co., Inc.

By Mr. Del Guercio:

Q. Now, Mr. Gitlow, what caused the International Publishers & Booksellers, Inc., to change their name to International Publishers Co.?

A. I don't know.

Q. You don't know? A. No.

Q. The Certificate of change of name was executed by Abraham A. Heller, Edith Heller and Alexander Trachtenberg.

Do you know any of those signers?

A. I know A. A. Heller and Alexander Trachtenberg.

Q. Who is A. A. Heller?

A. A. A. Heller is the original—one of the orig-



(Testimony of Benjamin Gitlow.)

inal organizers of International Publishers who supplied the capital to start it here.

A. Is he a member of the Communist Party?

A. He is a member of the Communist Party.

Q. Who is Alexander Trachtenberg?

A. Alexander Trachtenberg is—I believe he is in charge of the International Publishers, the manager of the [274] organization. He is a member of the Central Executive Committee—he is a member of the Central Executive Committee of the Communist Party, and he is today a member of the Communist Party.

Mr. Del Guercio: I will offer this in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked as Government's Exhibit No. 85.)

Mr. Del Guercio: I now offer certificate of incorporation of the Workers Library Publishers, Inc., under the Seal of the Secretary of State of the State of New York and ask that it be marked Government's Exhibit next in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked as Government's Exhibit No. 86.)

By Mr. Del Guercio:

Q. Do you know what the Workers Library Publishers, Inc., is, Mr. Gitlow?

A. It is the literature department of the Communist Party.

(Testimony of Benjamin Gitlow.)

Q. Is it controlled by the Communist Party?

A. Organized and controlled by the Party.

Q. And would you say that all of those associated with it were under the direction and control of the Communist Party?

Mr. Gladstein: I think that calls for obviously an [275] opinion and conclusion, a hazard and a guess.

Mr. Del Guercio: If you know. This witness here was a member of the Polcom Committee.

Presiding Inspector: When was this? What is the date of this?

Mr. Del Guercio: 1928.

Presiding Inspector: I will receive it.

Mr. Gladstein: Excuse me; it is not the document to which we are objecting. There is a question.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter.)

Presiding Inspector: Well, I think that follows from what he has already testified to, that all members were under the control of the Communist Party.

Mr. Gladstein: He is not asking as to members.

Presiding Inspector: These are all stated to be members.

Mr. Gladstein: He is asking whether all persons associated with this publishing house—

Presiding Inspector: (Interposing) Read that question again.

(The question referred to was re-read by the reporter.)

(Testimony of Benjamin Gitlow.)

Mr. Gladstein: Now, the wording of that question, your Honor, refers to a previous question that—

Presiding Inspector: I understand. I don't think you will gain anything by that question. I will exclude it. [276]

Mr. Del Guercio: Very well. I won't press it.

Mr. Gladstein: Thank you.

Mr. Del Guercio: This document shows, among other things, that the names and post office addresses of the Directors, until the first annual meeting of the stockholders, shall be as follows:

Beatrice Carlin, 43 East 125th Street, New York City.

Do you know that person?

A. First of all, "43 East 125th Street" was the national office of the Communist Party.

Q. Of the Communist Party?

A. Beatrice Carlin was a member of the Communist Party and was the first Director of the Workers Library Publishers.

Q. Alexander Trachtenberg of 43 East 125th Street, New York City. Is that the same Alex Trachtenberg?

A. That is the same Alex Trachtenberg of International Publishers who was a member of the Communist Party, and at that time a member of the Central Executive Committee, and also an alternate to the—what we call a candidate to the Political Committee of the Party.

(Testimony of Benjamin Gitlow)

Q. J. Lovestone, 43 East 125th Street, New York City?

A. He was at that time the Secretary of the Party.

Q. And Jack Stachel, S-t-a-c-h-e-l, the same address?

A. Jack Stachel, yes; he was a member of the Party, a member of the Central Executive Committee and in charge of the [277] organization department of the party.

Q. Bertram D. Wolfe?

A. Bertram D. Wolfe was at that time a member of the Party.

Q. The same address.

A. And was head of the Agitation Propaganda Department of the Party and a member of the Political Committee.

Q. This certificate also shows the names and post office addresses of each subscriber of this certificate of incorporation, and the number of shares of stock each agrees to take are as follows:

Isaac Shorr, 41 Union Square, New York, number of shares, 1; Carol Weiss King, 41 Union Square, New York City, number of shares, 1; Fay Seigartel, 41 Union Square, New York City, number of shares, 1.

Is that the same Carol Weiss King concerning whom you have previously testified?

A. Yes, that is the same Carol Weiss King.

Q. As counsel, one of Respondent's counsel in this proceeding?

A. Yes, sir.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I now offer certificate of increase of the capital stock of the Workers Library Publishers, Inc., under the Seal of the State of New York, dated November 7, 1940, and ask that it be marked Government's Exhibit next in order. [278]

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 87.)

By Mr. Del Guercio:

Q. This certificate shows Robert Miner and Wallace E. Douglas as being the President of the Workers Library Publishers, and Secretary respectively. Do you know who Robert Minor is?

A. I know Robert Minor.

Q. Who is he?

A. He is the acting General Secretary of the Communist Party today.

Q. At the present time. Do you know Wallace E. Douglas? A. I do not.

Mr. Del Guercio: I now offer in evidence certificate of incorporation of the World Tourists, Inc., November 7, 1940—no—filed and recorded January 1, 1931, under the Seal of the State of New York.

Mr. Gladstein: What is the year, Mr. Del Guercio?

Mr. Del Guercio: Recorded January 16, 1931.

Mr. Gladstein: Oh, recorded?

Mr. Del Guercio: Yes. I ask that it be marked Government's exhibit next in order.

Presiding Inspector: It may be received. [279]

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government's Exhibit No. 88.)

Presiding Inspector: Now, the document, as I understand, is dated in '31?

Mr. Del Guercio: That was filed and recorded that day, although some of the instruments were executed in 1927.

Presiding Inspector: Filed in what office?

Mr. Del Guercio: There is a certificate of incorporation that was executed June 6, 1927; by Joseph Brodsky, Isaac Shorr and Fay Siegartel in the presence of Carol Weiss King, and there also appears the jurat of Carol Weiss King on the 9th day of June, 1927, wherein she states that "—Joseph R. Brodsky, Isaac Shorr and Fay Siegartel, to me known and known to me to be the individuals described in and who executed the foregoing instrument in and who executed the foregoing instrument, and they duly severally acknowledged to me that they executed the same."

By Mr. Del Guercio:

Q. Mr. Gitlow, do you know what the World Tourists, Inc., is? A. Yes.

Q. What is it?

A. The World Tourists, Inc., was organized in 1927 as a Communist travel agency and for two purposes; one, that the profits of the World Tourists should go to the treasury of the Communist Party to finance its activities, and second, to give the Communist Party an agency to facilitate the shipments



(Testimony of Benjamin Gitlow.)

of [280] persons who desired to visit the Soviet Union, and to facilitate the sending of delegations, et cetera, from the Party to Moscow.

Q. Do you know the Joseph R. Brodsky? Is it R. Brodsky? A. Yes, I do.

Q. Shown as one of the incorporators?

A. Yes.

Q. And who is he?

A. He is the same Joseph R. Brodsky mentioned before, a member of the Communist Party, and the attorney for the Communist Party.

Q. And I believe you testified that he is also at the present time an associate of Mrs. Carol King?

A. I did, yes. [281]

Mr. Del Guercio: I now offer a certified copy of a statement of ownership of the Daily Worker for the year 1932 filed with the Post Office Department, and under the seal of The National Archives, and ask that it be received.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 89.)

Mr. Del Guercio: This statement of ownership shows that the Daily Worker, on October 1, 1932, that the publisher of the Daily Worker was the Comprodaily Publishing Co., Inc.

By Mr. Del Guercio:

Q. Was that a Communist controlled organization? A. That is.

(Testimony of Benjamin Gitlow.)

Q. It also shows that the owner is the Comprodaily Publishing Co., Earl Browder, Morris A. Greenbaum and Dr. A. Markoff. Do you know those persons?

A. I know Dr. Markoff and Earl Browder.

Q. Do you know them as members of the Communist Party? A. I do.

Q. This document also shows that Vern Smith is the Managing Editor. Is that the same Vern Smith whom you have heretofore identified in this court room?

A. The same Vern Smith, with a wonderful imagination.

Mr. Del Guercio: I now offer statement of Ownership, Management, Circulation, of the Daily Worker executed September [282] 30, 1933, taken from the records of the Post Office Department, and under the seal of the National Archives.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 90.)

By Mr. Del Guercio:

Q. The Comprodaily Publishing Co., Inc. is shown in this document as the publisher and one of the owners. Is that the same Comprodaily Publishing Co. you have heretofore mentioned.

A. Yes; the same.

Q. And the address of that company is shown

(Testimony of Benjamin Gitlow.)

as 50 East 13th Street, New York City. What address is that, Mr. Gitlow?

A. That is the present headquarters of the Communist Party of the United States.

Q. And G. Wishnak is shown as the Business Manager. Do you know him?

A. G. Wishnak was a member of the Communist Party. He no longer is.

Q. Was he a member at the time he executed this?

A. He was a member at this time: yes.

Q. Mr. Gitlow, I will show you a pamphlet entitled "The Communist Manifesto," by Karl Marx and Friedrich Engels, published by International Publishers, New York, and I will ask you if you can identify this pamphlet. [283]

A. (Examining pamphlet) This is the version of Communist International of "The Communist Manifesto" of Karl Marx and Friedrich Engels, which was edited by the Communist International and published in all languages, and printed. This is the edition of that version printed by the International Publishers and distributed in this country.

Q. Did the Communist Party cause that pamphlet to be published and printed?

A. The Communist International did.

Q. Communist International? A. Yes.

Q. Did the Communist International, or the Communist Party of the United States distribute, display and circulate that copy?

A. The did.

(Testimony of Benjamin Gitlow.)

Q. Does it contain the accepted doctrines and practices of the Communist Party and of the Communist International?

A. Well, this is a question of dispute because "The Communist Manifesto" of Karl Marx has been adopted as the guiding principle for all wings of the Socialist movement, and each one of them gives their own interpretation to the Manifesto. The Communist Party has one interpretation, for example, and to take an insignificant party like the Socialist Labor Party, it gives the Manifesto an entirely different interpretation. The Social Democratic Federation, whatever is [284] left of the old Socialist Party of the United States, also accepts this classical document of Socialism and gives it its own interpretation.

Q. By "Manifesto" you mean what, Mr. Gitlow, what particular—you refer, do you, particularly to this statement:

"The Communists disdain to conceal their views and aims. They openly declare that their end can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win.

"Working men of all countries, unite!"

A. At the time that manifesto was written the Russian Revolution did not take place until many years later. The Communist Party was not in existence and that matter became a matter of interpreta-

(Testimony of Benjamin Gitlow.)

tion for the different wings of the Socialist movement.

Q. What is the present Communist Party interpretation of it?

A. The present Communist Party interpretation of that Manifesto is to lay down the policy that it is necessary to overthrow, in order to overthrow capitalism it is necessary to do it forcibly through a violent revolution. They go even further and say that it also gives and it also approves or [285] it also lays the basis for the manner in which the Communists will set up their own state as a dictatorship in order to change the social system from a Capitalistic one to a Communistic one.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: We can almost take judicial notice of it. It is a familiar piece of literature. We will receive it.

I say, we would almost take judicial notice of it.

(The document referred to was received in evidence and marked Government Exhibit No. 91.)

By Mr. Del Guercio:

Q. Has the Communist Party in the United States in the past and in the present caused to be distributed in the United States among its members and others this pamphlet? A. Oh, yes.

Q. And how was it distributed, if you know, Mr. Gitlow?

(Testimony of Benjamin Gitlow.)

A. By selling it and giving it away, and using it as a text in its schools, and so forth.

Q. It is used in its schools, you say?

A. Yes, surely.

Q. And was? A. Yes.

Q. I show you a book entitled "The Communist International," by V. I. Lenin, translated from the Russian as issued [286] by the Marx-Engle-Lenin Institute, Moscow, USSR, published by the International Publishers, 381 Fourth Avenue, New York, and ask you if you are familiar with this book?

A. (Examining book) Yes.

Q. Does that contain the practices and policies of the Communist Party?

A. That contains the views of Lenin on the Communist International on policies and tactics.

Q. And is that adopted by the Communist Party of the United States?

A. Well, this book is accepted and sold and distributed by the Party.

Q. Distributed by the Party?

A. Yes.

Q. Through the same agencies?

A. Through the same agencies.

Mr. Del Guercio: I offer that book in evidence, if your Honor please.

Presiding Inspector: I suppose there is no objection to it. I will receive it.

Mr. Grossman: We are discussing it now.

Mr. Gladstein: There may be an objection to it.



(Testimony of Benjamin Gitlow.)

Presiding Inspector: I will withhold the ruling.

By Mr. Guercio:

Q. Who is the V. I. Lenin mentioned? [287]

A. He is considered the founder of the modern Communist movement.

Mr. Gladstein: We have only one basis, your Honor, to object to the introduction of the volume offered by the Government and that is this: The book shows on its face that it was published in the year 1938. The witness has already testified that his connection with the Communist Party terminated in 1929. We do not see, therefore, how he would be in a position to testify concerning a document, the publication of which is 1938.

Presiding Inspector: When did Lenin die?

The Witness: 1924.

Presiding Inspector: I will receive it.

(The document referred to was received in evidence and marked Government's Exhibit No. 92.)

Presiding Inspector. Again, this is almost known to everyone who has made a study of this subject. This is merely to show background, I suppose?

Mr. Del Guercio: Yes, it is, your Honor.

Presiding Inspector: Of Communist beliefs?

Mr. Del Guercio: Yes.

By Mr. Del Guercio:

Q. You have read this book, Mr. Gitlow?

A. I have read the works of Lenin. There is a

(Testimony of Benjamin Gitlow.)

compilation of speeches and writings of Lenin. There have been any number [288] of such compilations published from time to time, and some speeches are in separate pamphlets, and so forth.

Q. Are the teachings of Lenin accepted as the doctrines and practices of the Communist Party?

A. They are accepted as the doctrines and as the principles and policies of the Communist Party in so far as they have been changed by Stalin.

Q. This shows that it is published by the International Publishers. Is that the same International Publishers concerning which you have previously testified? A. That is.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.) [289]

By Mr. Del Guercio:

Q. I show you a pamphlet entitled "The Foundation of the Communist International by V. I. Lenin", published by the International Publishers, New York, Copyrighted 1934 by International Publishers Co., Inc., printed in the U.S.A., and ask you if you can identify it?

(Examining pamphlet): Yes.

Q. What publishing company is that?

A. International Publishers.

Q. And that is the International Publishers Company that is controlled by the Communist—owned and controlled by the Communist Party?

A. Owned and controlled by the Communist International.

(Testimony of Benjamin Gitlow.)

Q. By the Communist International, and do you know by whom this document is distributed?

A. It is distributed by International Publishers and by the Communist Party also.

Q. Have you read this booklet?

A. Yes, a long time ago.

Q. There were previous copies of the same document?

A. Yes, surely. It is a reprint of speeches made by—or a speech made by Lenin in 1919, I believe, in March.

Q. And this contains, if you know, the teachings of Lenin? A. Yes.

Q. And are they accepted by the members of the Communist [290] Party? A. They are.

Q. As the teachings of Lenin? A. Yes.

Mr. Del Guercio: I will offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 93.)

By Mr. Del Guercio:

Q. I will show you a booklet entitled "Theses and Statutes of the Third (Communist) International, adopted by the Second Congress July 17th-August 7th, 1920, Publishing Office of the Communist International, Moscow, 1920, Reprinted by United Communist Party of America," and ask you if you can identify this book?

(Testimony of Benjamin Gitlow.)

A. (Examining book): I can.

Q. What does this book contain, Mr. Gitlow?

A. This contains the Theses and Statutes of the Third Communist International adopted at the Second Congress of the Communist International, and contains the fundamental principles of the organization, the basic principles, I would say, of the organization, plus the 21 points, which was the basis of admission to the Communist International.

Q. The "21 points"; just what are the 21 points, Mr. Gitlow?

A. Before any political organization could join the [291] Communist International they had to accept the 21 points. For example, the American Socialist Party in 1919 agreed to join the Communist International but they refused to accept the 21 points, and, as a result, it was not admitted to the Communist International.

The 21 points contain the basic principles and conception of the Communist International.

Q. And you say this book contains those 21 points?

A. This book contains those 21 points.

Q. Will you read from it, Mr. Gitlow?

A. All right. I have it here. I would rather read from this.

(Reading): "The Second Congress of the Communist International rules that the conditions for joining the Communist International shall be as follows:

(Testimony of Benjamin Gitlow.)

"1. The general propaganda and agitation should bear a really Communist character, and should correspond to the programme and decisions of the Third International. The entire party press should be edited by reliable Communists who have proved their loyalty to the cause of the proletarian revolution. The dictatorship of the proletariat should not be spoken of simply as a current hackneyed formula, it should be advocated in such a way that its necessity should be apparent to every rank-and-file working man and woman, to each soldier and peasant, and should emanate from everyday facts systematically recorded by our [292] press day by day.

"All periodicals and other publications, as well as all party publications and editions, are subject to the control of the presidium of the party, independent of whether the party is legal or illegal. The editors should in no way be given an opportunity to abuse their autonomy and carry on a policy not fully corresponding to the policy of the party.

"Wherever the followers of the Third International have access, and whatever means of propaganda are at their disposal, whether the columns of newspapers, popular meetings, labor unions or co-operatives,—it is indispensable for them not only to denounce the bourgeoisie, but also its assistants and agents—reformists of every color and shade.

"2. Every organization desiring to join the Communist International shall be bound systematically

(Testimony of Benjamin Gitlow.)

and regularly to remove from all responsible posts in the labor movement (Party organizations, editors, labor unions, parliamentary factions, co-operatives, municipalities, etc.), all reformists and followers of the 'centre', and to have them replaced by Communists, even at the cost of replacing at the beginning 'experienced' men by rank-and-file working men.

"3. The class struggle in almost every country of Europe and America is entering the phase of civil war. Under such conditions the Communists can have no confidence in bourgeois laws. They should create everywhere a parallel illegal apparatus, which at the decisive moment should do its duty by the party, [293] and in every way possible assist the revolution. In every country where, in consequence of martial law or of other exceptional laws, the Communists are unable to carry on their work lawfully, a combination of lawful and unlawful work is absolutely necessary.

"4. A persistent and systematic propaganda and agitation is necessary in the army, where Communist groups should be formed in every military organization. Wherever, owing to repressive legislation, agitation becomes impossible, it is necessary to carry on such agitation illegally. But refusal to carry on or participate in such work should be considered equal to treason to the revolutionary cause, and incompatible with affiliation with the Third International.

"5. A systematic and regular propaganda is



(Testimony of Benjamin Gitlow.)

necessary in the rural districts. The working class can gain no victory unless it possesses the sympathy and support of at least part of the rural workers and of the poor peasants, and unless other sections of the population are equally utilized. Communist work in the rural districts is acquiring a predominant importance during the present period. It should be carried on through Communist workmen of both city and country who have connections with the rural districts. To refuse to do this work, or to transfer such work to untrustworthy half reformists, is equal to renouncing the proletarian revolution. [294]

"6. Every party desirous of affiliating with the Third International should renounce not only avowed social patriotism, but also the falsehood and the hypocrisy of social pacifism; it should systematically demonstrate to the workers that without a revolutionary overthrow of capitalism no international arbitration, no talk of disarmament, no democratic reorganization of the League of Nations will be capable of saving mankind from new Imperialist wars.

"7. Parties desirous of joining the Communist International must recognize the necessity of a complete and absolute rupture with reformism and the policy of the 'centrists', and must advocate this rupture amongst the widest circles of the party membership, without which condition a consistent Communist policy is impossible. The Communist

(Testimony of Benjamin Gitlow.)

International demands unconditionally and peremptorily that such rupture be brought about with the least possible delay. The Communist International cannot reconcile itself to the fact that such avowed reformists as for instance Rutati, Modigliani, Kautsky, Hillquit, Longuet, Macdonald and others should be entitled to consider themselves members of the Third International. This would make the Third International resemble the Second International.

8. In the Colonial question and that of the oppressed nationalities there is necessary an especially distinct and clear line of conduct of the parties of countries where the bourgeoisie possesses such colonies or oppresses other nationalities. Every party desirous of belonging to the Third International should be bound to denounce without any reserve all the methods of 'its own' Imperialists in the colonies, supporting not only in words but practically a movement of liberation in the colonies. It should demand the expulsion of its own Imperialists from such colonies, and cultivate among the workingmen of its own country a truly fraternal attitude towards the working population of the colonies and oppressed nationalities, and carry on a systematic agitation in its own army against every kind of oppression of the colonial population.

9. Every party desirous of belonging to the Communist International should be bound to carry on systematic and persistent Communist work in the labor unions, co-operatives and other labor or-

(Testimony of Benjamin Gitlow.)

ganizations of the masses. It is necessary to form Communist groups within the organizations, which by persistent and lasting work should win over labor unions to Communism. These groups should constantly denounce the teachery of the social patriots and of the fluctuations of the 'centre'. These Communist groups should be completely subordinated to the party in general.

"10. Any party belonging to the Communist International is bound to carry on a stubborn struggle against the Amsterdam 'International' of the yellow labor unions. It should propagate insistently amongst the organized workers the necessity of a rupture with the yellow Amsterdam International. It should [296] support by all means in its power the International Unification of Red Labor Unions, adhering to the Communist International, which is now beginning.

"11. Parties desirous of joining the Third International shall be bound to inspect the personnel of their parliamentary factions, to remove all unreliable elements therefrom, to control such factions, not only verbally but in reality, to subordinate them to the Central Committee of the party, and to demand from each proletarian Communist that he devote his entire activity to the interests of real revolutionary propaganda.

"12. All parties belonging to the Communist International should be formed on the basis of the principle of democratic centralization. At the present time of acute civil war the Communist Party

(Testimony of Benjamin Gitlow.)

will be able fully to do its duty only when it is organized in a sufficiently thorough way, when it possesses an iron discipline, and when its party centre enjoys the confidence of the members of the party; who are to endow this centre with complete power, authority and ample rights.

"13. The Communist parties of those countries where the Communist activity is legal, should make a clearance of their members from time to time, as well as those of the party organizations, in order systematically to free the party from the petty bourgeois elements which penetrate into it.

"14. Each party desirous of affiliating with the Communist International should be obliged to render every [297] possible assistance to the Soviet Republics in their struggle against all counter-revolutionary forces. The Communist parties should carry on a precise and definite propaganda to induce the workers to refuse to transport any kind of military equipment intended for fighting against the Soviet Republics, and should also by legal or illegal means carry on a propaganda amongst the troops sent against the workers' republics, etc.

"15. All those parties which up to the present moment have stood upon the old social and democratic programmes should, within the shortest time possible, draw up a new Communist programme in conformity with the special conditions of their country, and in accordance with the resolutions of the Communist International. As a rule, the pro-

(Testimony of Benjamin Gitlow.)

programme of each party belonging to the Communist International should be confirmed by the next congress of the Communist International or its Executive Committee. In the event of the failure of the programme of any party being confirmed by the Executive Committee of the Communist International, the said party shall be entitled to appeal to the Congress of the Communist International.

"16. All the resolutions of the congresses of the Communist International, as well as the resolutions of the Executive Committee are binding for all parties joining the Communist International. The Communist International, operating under the conditions of most acute civil warfare, should be [298] centralized in a better manner than the Second International. At the same time, the Communist International and the Executive Committee are naturally bound in every form of their activity to consider the variety of conditions under which the different parties have to work and struggle, and generally binding resolutions should be passed only on such questions upon which such resolutions are possible.

"17. In connection with the above, all parties desiring to join the Communist International should alter their name. Each party desirous of joining the Communist International should bear the following name: Communist Party of such and such a country, section of the Third Communist International. The question of the renaming of a party is not only a formal one, but is a political question.



(Testimony of Benjamin Gitlow.)

of great importance. The Communist International has declared a decisive war against the entire bourgeoisie world, and all the yellow Social Democratic parties. It is indispensable that every rank-and-file worker should be able clearly to distinguish between the Communist parties and the old official "Social Democratic" or "Socialist" parties, which have betrayed the cause of the working class.

"18. All the leading organs of the press of every party are bound to publish all the most important documents of the Executive Committee of the Communist International.

"19. All those parties which have joined the Communist [299] International, as well as those which have expressed a desire to do so, are obliged in as short a space of time as possible, and in no case later than four months after the Second Congress of the Communist International, to convene an Extraordinary Congress in order to discuss these conditions. In addition to this, the Central Committees of these parties should take care to acquaint all the local organizations with the regulations of the Second Congress.

"20. All those parties which at the present time are willing to join the Third International, but have so far not changed their tactics in any radical manner, should, prior to their joining the Third International, take care that not less than two-thirds of their committee members and of all their central institutions should be composed of comrades who have made an open and definite declaration prior



(Testimony of Benjamin Gitlow.)

to the convening of the Second Congress, as to their desire, that the party should affiliate with the Third International. Exclusions are permitted only with the confirmation of the Executive Committee of the Third International. The Executive Committee of the Communist International has the right to make an exception also for the representatives of the 'centre' as mentioned in paragraph 7.

"21. Those members of the party who reject the conditions and the theses of the Third International, are liable to be excluded from the party. [300]

"This applies principally to the delegates at the Special Congresses of the party."

Q. Now, Mr. Gitlow, these 21 points which you have just read are the basic principles of the Communist International, are they not?

A. Yes, they are.

Q. Were they accepted by the Communist Party of the United States? A. They were.

Q. And you were present, I believe, at the convention of the Communist Party there in Chicago about 1919?

A. In the year 1919 it was decided to help in the formation of the Communist International, and to join it, we formed.

Q. Now, these 21 points remain constant, do they not?

A. They have remained in force up until the present time.

(Testimony of Benjamin Gitlow.)

Q. They are still the doctrines of the Communist Party?

A. They are still the doctrines of the Communist Party.

Q. And is this book distributed by the Communist Party?

A. This book was distributed by the Communist Party.

Q. "Was distributed". May I have that?

A. (Witness handed book to Mr. Del Guercio.)

Mr. Del Guercio: I offer this in evidence, your Honor, as Government's Exhibit next in order.

Presiding Inspector: It may be received. [301]

Mr. Del Guercio: I have a photostatic copy of it and I ask that the photostat copy be accepted.

Presiding Inspector: Certainly, we will proceed that way.

Mr. Del Guercio: There is no objection, I understand?

Mr. Gladstein: No.

(The book referred to was received in evidence and marked Government's Exhibit No. 94.) [302]

By Mr. Del Guercio:

Q. Does this book contain other doctrines, plans and practices of the Communist Party?

A. It does.

Q. And are such doctrines, plans and practices accepted by the Communist Party of the United States?

A. They are.

(Testimony of Benjamin Gitlow.)

Q. And binding upon all members of the Communist Party?

A. And binding on all members of the Communist Party.

Q. Now, on page 4 of this document I read:

"The Communist International makes its aim to put up an armed struggle for the overthrow of the International bourgeoisie and to create an International Soviet Republic as a transition stage to the complete abolition of the State. The Communist International considers the dictatorship of the proletariat as the only means for the liberation of humanity from the horrors of capitalism. The Communist International considers the Soviet form of Government as the historically evolved form of this dictatorship of the proletariat."

Is that an accepted doctrine of the Communist Party?

A. That is the fundamental doctrine upon which the Communist movement rests.

Q. And remains constant?

A. That remains constant.

Q. That is not a flexible doctrine, is it? [303]

A. That is not the flexible tactics or policies from day to day; that is the basic foundation of the movement.

Q. And that has been adopted necessarily by the Communist Party of the United States?

A. Of course.

Q. On page 27 of this document appears this—strike that.

(Testimony of Benjamin Gitlow.)

On page 47 of this document appears this:

"The elementary means of the struggle of the proletariat against the rule of the bourgeoisie is, first of all, the method of mass demonstrations. Such mass demonstrations are prepared and carried out by the organized masses of the proletariat, under the direction of a united, disciplined, centralized Communist Party. Civil war is war. In this the proletariat must have its efficient political officers, its good political general staff, to conduct operations during all the stages of that fight."

Is that one of the accepted doctrines of the Communist Party of the United States?

A. That is one of the accepted doctrines, principles of the Communist Party; and that explains why the Communist Party is organized on a military basis from the top down, and that its decisions are tantamount to military decisions as far as the rank and file soldiers of the Party organization are concerned. [304]

Q. That isn't a flexible doctrine?

A. No; that is not a part of the flexible doctrine.

Q. That is a constant one? A. Yes.

Q. That is the policy the Communist Party of the United States adopted?

A. It has never been changed; yes.

Q. On page 36 of this document appears this:

"The working class cannot achieve the victory over the bourgeoisie by means of the general strike alone, and by the policy of folded arms. The proletariat must resort to an armed uprising."

(Testimony of Benjamin Gitlow.)

Is that a fundamental doctrine of the Communist Party?

A. That is a fundamental concept and principle of guiding the Communist Party in all its work.

Q. And that has been adopted by the Communist Party of the United States of America as an affiliate of the Third International?

A. Absolutely.

Q. And it is still their policy, do you know?

A. Still their policy.

Q. And that is one of their constant policies?

A. That is one of the constant unchanging policies.

Mr. Del Guercio: I offer this document in evidence, your Honor. [305]

Presiding Inspector: It has already been received.

By Mr. Del Guercio:

Q. I show you a booklet entitled "Program of the Communist International," bearing the hammer and sickle and a star, copyright in 1929 by Workers Library Publishers, Inc., P. O. Box 148, Station D, New York City. First Edition, December 1929; Second Edition, June 1933; Third Edition, February 1936, printed in the United States of America. I will ask you if you are familiar with that pamphlet?

A. (Examining pamphlet): This is the program of the Communist International that was adopted at the Sixth World Congress of the Com-

(Testimony of Benjamin Gitlow.)

munist International which was held in the year 1928. The program was drawn up mainly through the efforts of Bukharin, who was the President of the Communist International at that time. Later this same Bukharin, who wrote the program of the Communist International, was liquidated as a renegade and a traitor because of his opposition to Stalin.

Q. And does it contain the accepted doctrines and practices of the Communist International?

A. Yes, it does.

Q. And are these the practices and doctrines accepted by the Communist Party of the United States? A. They are.

Q. Does the Communist Party of the United States dis- [306] tribute or cause to be distributed, this booklet? A. They do.

Q. Is the Workers Library Publishers, Inc. owned and controlled by the Communist Party of the United States?

A. Owned and controlled by the Communist Party.

Q. Are the members of the Communist Party of the United States bound by the doctrines and practices stated in this booklet? A. They are.

Mr. Del Guercio: I offer this booklet in evidence, your Honor, as Government's Exhibit next in order.

Presiding Inspector: It will be received.

(The document referred to was received in



(Testimony of Benjamin Gitlow.)

evidence and marked Government Exhibit No. 95.)

By Mr. Del Guercio:

Q. I read from page 9 of this booklet:

"This program of the Communist International, as the supreme critical generalization of the whole body of historical experience of the international revolutionary proletarian movement, becomes the program of struggle for the world proletarian dictatorship, the program of struggle for world communism."

Is that one of the doctrines of the Communist International?

A. Yes, sir; that is the ultimate aim of the Communist [307] International, the aim of world revolution and converting the entire world into a Soviet dictatorship.

Q. And is that accepted by every member of the Communist Party in the United States?

A. By every member of the Communist Party, yes, sir.

Q. I read again from page 10:

"Basing itself on the experience of the revolutionary labor movement on all continents and of all peoples, the Communist International, in its theoretical and practical work, stands wholly and unreservedly upon the ground of revolutionary Marxism and its further development, Leninism, which is nothing else but Marxism of the epoch of imperialism and proletarian revolution."

(Testimony of Benjamin Gitlow.)

"Advocating and propagating the dialectical materialism of Marx and Engels and employing it as the revolutionary method of the cognition of reality, with the view to the revolutionary transformation of this reality, the Communist International wages an active struggle against all forms of bourgeois philosophy and against all forms of theoretical and practical opportunism. Standing on the ground of consistent proletarian class struggle and subordinating the temporary, partial, group and national interests of the proletariat to its lasting, general, international interests, the Communist International mercilessly exposes all forms of the doctrine of 'class peace' that the reformists have accepted from the bourgeoisie. Expressing the [305] historical need for an international organization of revolutionary proletarians—the grave-diggers of the capitalist order—the Communist International is the only international force that has for its program the dictatorship of the proletariat and communism, and that openly comes out as the organizer of the international proletarian revolution."

Is that an accepted doctrine of the Communist International?

A. Yes; that is an accepted doctrine of the Communist International, and its opposition to all other philosophies does not stop the Communist International, through the Soviet Union, coming to terms and cooperating with the Nazi Government.

Q. Is that accepted by all members of the Communist Party of the United States?

(Testimony of Benjamin Gitlow.)

A. It is; yes.

Q. On page 35 of this document I read:

"Proletarian revolution, however, signifies the forcible invasion of the proletariat into the domain of property relationships of bourgeois society, the expropriation of the expropriating classes, and the transference of power to a class that aims at the radical reconstruction of the economic foundations of society."—

Is that another doctrine of the Communist International?

A. That is a fundamental principle of the Communist Party movement. [309]

Q. And accepted by every Communist?

A. And accepted by every Communist.

Q. I read again on page 36:

"The conquest of power by the proletariat does not mean peacefully 'capturing' the ready-made bourgeois state machinery by means of a parliamentary majority. The bourgeois resorts to every means of violence and terror to safeguard and strengthen its predatory property and its political domination. Like the feudal nobility of the past, the bourgeoisie cannot abandon its historical position to the new class without a desperate and frantic struggle. Hence, the violence of the bourgeoisie can be suppressed only by the stern violence of the proletariat. The conquest of power by the proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist state apparatus, bourgeois armies, police, bureaucratic hier-

(Testimony of Benjamin Gitlow.)

archy, the judiciary, parliaments, etc., and substituting in its place new organs of proletarian power, to serve primarily as instruments for the suppression of the exploiters.

Is that another basic doctrine of the Communist Party?

A. That is a basic principle of the Communist movement.

Q. And is that accepted by every Communist member, member of the Communist Party?

A. By every Communist member; yes.

Q. I read again on page 87 of this document:

"The Communist International—the International Workers' [310] Association—is a Union of Communist Parties in various countries; it is the World Communist Party. As the leader and organizer of the world revolutionary movement of the proletariat and the protagonist of the principles and aims of Communism, the Communist International strives to win over the majority of the working class and the broad strata of the propertyless peasantry, fights for the establishment of the world dictatorship of the proletariat, for the establishment of a World Union of Socialist Soviet Republics, for the complete abolition of classes and for the achievement of socialism—the first stage of communist society."

Is that another doctrine of the Communist Party? A. It is.

Q. And accepted by every member of the Communist Party?

(Testimony of Benjamin Gitlow.)

A. Accepted by every Communist Party member.

Q. Does the Communist Party teach that they could accomplish this dictatorship of the proletariat by any other means than a violent overthrow of the existing form of government?

A. They consider the use of the ballot box, or peaceful means in the accomplishment of revolutionary ends, as an illusion on the part of those who seek a complete social change, and the Communist Party tries to impress its membership with the fact that as far as Communists are concerned they conceive the possibility of social change, fundamental [311] social change, only through the form of a violent revolution.

Q. All of these so-called front organizations, and any organization organized by the Communist Party, or by the Communist International, are directed towards these ends?

A. All are directed toward these ends, and the front organizations are to facilitate the Communist Party in its efforts of reaching as large a circle of the people as possible. If they cannot reach them directly through the Party they reach them through the front organizations.

Q. And these organizations, so-called front organizations are not organized for any other purpose, are they?

A. No; not for any other purpose.

Q. By these organizations I assume you mean the ILD as one of them?



(Testimony of Benjamin Gitlow.)

A. The I.L.D.; yes. Also the former League for Peace and Democracy, the American Negro Labor Congress—any number of organizations. The woods are full of them.

Q. All directed to this violent overthrow of the Government of the United States by force and violence?

A. All organized for the purpose of giving the Communist Party access to people that you could not otherwise reach, so that the Communist Party, in the course of its activities, can influence these people in Communist directions.

Q. I show you a booklet entitled "Manifesto and Program, Constitution, Report to the Communist International, Communist [312] Party of America, Chicago, Illinois—1219 Blue Island Avenue, Chicago, Illinois—and will ask you if you can identify it?

A. (Examining booklet) Yes. This is the Manifesto and Program and Constitution adopted by the Communist Party at its convention in Chicago in 1919; and the report included and transmitted to the Communist International following the close of that convention.

Q. Do you know when that was published?

A. That was published right after the convention.

Q. And the convention was when?

A. 1919.

Q. And was it published by the Communist Party at that time?



(Testimony of Benjamin Gitlow.)

A. It was published by the Communist Party at that time.

Q. Was it distributed by the Communist Party?

A. It was distributed by the Communist Party.

Q. Does it contain the program of the Communist Party? A. It does.

Q. Is it still accepted as one of the publications of the Communist Party?

A. Well, I don't know whether they accept everything in this original 1919 program, but basically it contains the position of the Communists on important issues.

Q. This was distributed by the Communist Party? [313] A. That was.

Mr. Del Guercio: I offer it in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 96.)

By Mr. Del Guercio:

Q. I show you a pamphlet headed "The Communist," dated Saturday, June 12, 1920, and ask you if you can identify that?

A. (Examining pamphlet) Yes, I can.

Q. What is that?

A. That is the official organ of the Communist Party of America, the same party that published the Program and Report to the Communist International, the first issue of this paper at the Chicago Convention.

(Testimony of Benjamin Gitlow.)

Q. I believe you have testified that before anything can be published concerning Communist matters that they must be edited by some high functionary of the Communist Party? A. Yes.

Q. Do they ever deviate from that practice?

A. No.

Q. And does this contain communistic matters at that time accepted by the Communist Party?

A. At that time; yes.

Q. Was this distributed and displayed and circulated by the Communist Party? [314]

A. Yes; and sold by them and circulated by them.

Mr. Del Guercio: I offer this in evidence.

Presiding Inspector: It may be received.

Mr. Del Guercio: I offer the photostatic copy in evidence.

Presiding Inspector: It may be received. Mark both the original and the copy.

(The document referred to was received in evidence and marked Government Exhibit No. 97.) [315]

By Mr. Del Guercio:

Q. I show you another copy of "The Communist, Official Organ of the Communist Party of America, (Section of the Communist International), Volume I, No. 1", dated "July", and in pencil "1921" and ask you if you can identify it?

A. (Examining magazine) Yes.

Q. Is that published at the direction of the Communist Party? A. That was, yes.

(Testimony of Benjamin Gitlow.)

Q. And was this magazine distributed, caused to be distributed by the Communist Party?

A. It was.

Mr. Del Guercio: I offer this document in evidence, your Honor.

Presiding Inspector: It may be received.

Mr. Del Guercio: I offer the photostatic copy.

Presiding Inspector: Mark both with the same number.

(The document referred to was received in evidence and marked Government's Exhibit No. 98.)

By Mr. Del Guercio:

Q. I will show you a magazine entitled "The Workers Monthly, The Seventh Anniversary, September, 1926, Daily Worker Publishing Company, 113 W. Washington Blvd., Chicago, Illinois" and ask if you can identify that?

A. (Examining magazine) This is The Workers Monthly [316] but not published by the Daily Worker.

Q. Isn't it? By whom is it published?

A. By The Workers Monthly.

Q. By The Workers Monthly. Is that a Communist controlled organization?

A. Official organ of the Workers Communist Party of America.

Q. And was this magazine caused to be published and circulated by the Communist Party?

A. It was.

(Testimony of Benjamin Gitlow.)

Q. Do you know if this is the issue which contains an article directed against John Lewis?

A. Just a moment. I will look it up and see.

(Examining magazine) Yes. It contains an article directed against John L. Lewis, written by William Z. Foster, called "A Dangerous Situation", and it opens up as follows:

"The United Mine Workers of America is falling to pieces. The whole organization is in serious danger of destruction. It is collapsing under the attacks of the coal operators and through the misleadership of the corrupt Lewis Administration. The entire American labor movement—et cetera, et cetera.

Q. That is along the lines that you have testified to here at this hearing? A. Yes.

Mr. Del Guercio: I will offer this document in evidence. [317]

Presiding Inspector: It may be received.

Mr. Del Guercio: May I offer the photostatic copy? I understand there is no objection.

Presiding Inspector: Yes.

(The document referred to was received in evidence and marked Government's Exhibit No. 99.)

By Mr. Del Guercio:

Q. I show you a pamphlet entitled the "Constitution of the Workers Party of America, as amended by the Second National Convention, New York City, December 24-25 and 26, 1922" and ask you if you can identify it?

(Testimony of Benjamin Gitlow.)

A. (Examining pamphlet) Yes. That is the—

Q. (Interposing) Is that an official publication of the Communist Party?

A. That is an official publication of the Workers Party of America in 1922 which was then the legal expression of the Communist Party.

Q. Of the present party?

A. The Communist Party itself then functioning as an underground organization.

Q. And does this contain the doctrines—well, this is the Constitution?

A. That is the Constitution of the legal—

Q. (Interposing) Department?

A. Expression of the Communist Party, because the [318] Communist Party itself was an underground organization that operated legally through the Workers Party.

Q. And was this distributed by the Workers Party of America?

A. Both by the Workers Party and by the Communist Party.

Q. Distributed and circulated? A. Yes.

Mr. Del Guercio: I will offer this in evidence, if your Honor please.

Presiding Inspector: Yes, it may be received.

Mr. Del Guercio: That is a photostatic copy of it.

(The document referred to was received in evidence and marked Government's Exhibit No. 100.)



(Testimony of Benjamin Gitlow.)

Presiding Inspector: Did the two parties have similar membership?

The Witness: Yes, to all intents and purposes.

Presiding Inspector: There was some diversity?

The Witness: There was a little diversity.

Presiding Inspector: I merely wanted to clarify, in my own mind, what the Workers Party was.

Mr. Del Guercio: Very well, your Honor.

Presiding Inspector: I think you told us that they finally were consolidated, weren't they?

The Witness: In the year 1924 the two parties were consolidated into one party. The underground party was abandoned. [319] The Committees, the top committees of both organization were joined and the party, as such, became an affiliate of the Communist International.

Mr. Del Guercio: May I go back to Government's Exhibit 96, a moment, if your Honor please?

Q. This Government's Exhibit is the "Manifesto and Program Constitution, Report of the Communist International"; and, I believe, Mr. Gitlow, you testified that this was adopted by the Communist Party then in existence?

A. Yes, the year 1919.

Q. 1919. And that this was published by the Communist Party? A. It was.

Mr. Del Guercio: If you will permit me, your Honor, I would like to read from page 1 as it connects the Communist Party with the IWW of which the Respondent here, we contend, was a member.



(Testimony of Benjamin Gitlow.)

"The workers of Russian smashed the front of international Capitalism and Imperialism. They broke the chains of the terrible war; and in the midst of agony, starvation and the attacks of the capitalists of the world, they are creating a new order.

"The class war rages furiously in all nations. Everywhere the workers are in a desperate struggle against their capitalist masters. The call to action has come. The [320] workers must answer the call.

"The Communist Party of America is the party of the working class. The Communist Party proposes to end Capitalism and organize a workers' industrial republic. The workers must control industry and dispose of the products of industry. The Communist Party is a party realizing the limitations of all existing workers' organizations and proposes to develop the revolutionary movement necessary to free the workers from the oppression of Capitalism. The Communist Party insists that the problems of the American worker are identical with the problems of the workers of the world."

And again on page 17 it states:

"It shall be a major task of the Communist Party to agitate for the construction of a general industrial union organization, embracing the I.W.W., W.A.I.U., independent and secession unions, militant unions of the A.F. of L., and the unorganized workers, on the basis of the revolutionary class struggle."

(Testimony of Benjamin Gitlow.)

Q. Now, Mr. Gitlow, the I.W.W. mentioned therein was the Industrial Workers of the World, was it not?

A. Yes. But they are no part of the Communist Party at that time. What the Communist Party decided to do was to try to capture the I.W.W.

Q. Did they know it as a revolutionary organization, the Communist Party? [321]

A. They called it a revolutionary organization, but they saw the limitations of its program.

Q. That is, the Communist Party saw the limitations of the I.W.W.? A. Program, yes.

Q. But they did understand it and know it as a revolutionary organization?

A. They—as I told you, they called it a revolutionary organization and they wanted to get control of the members of the I.W.W. the same as they do A. F. of L. unions.

Q. Yes.

A. And for that reason they adopted this tactic.

Q. I will show you another document headed "Workers (Communist) Party of America, the 4th National Convention held in Chicago, Illinois, August 21-30, 1925, published by the Daily Worker Publishing Company."

Are you familiar with this book?

A. (Examining book) Yes, I am familiar with this book.

Q. Is that published by the Daily Worker Publishing Company as indicated on the front thereof?

A. That was.

(Testimony of Benjamin Gitlow.)

Q. And was this book distributed by the then Communist Party of the United States?

A. Well, it was the official report of the Central Executive Committee to the Fourth National Convention of the [322] Party, and ordered published by the Party?

Q. And was it circulated by the Party?

A. Circulated and distributed to the Party membership.

Mr. Del Guercio: I offer a photostat of this in evidence, if your Honor please.

Presiding Inspector: The original and photostat may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 101.)

By Mr. Del Guercio:

Q. I will show you a book entitled "The Platform of the Class Struggle, National Platform of the Workers (Communist) Party, National Election Campaign Committee of the Workers, (Communist) Party, Published for the National Election Campaign Committee by Workers Library Publishers, 43 East 125th Street, New York, New York", and ask you if you can identify it?

A. (Examining book) Yes, I am acquainted with that.

Q. And was that published, or caused to be published by the Communist Party?

A. Yes, in the year 1928 in the election campaign.

(Testimony of Benjamin Gitlow.)

Q. And was that distributed and circulated by the Communist Party?

A. Yes, widely distributed and circulated.

Q. And does it contain the platform of the class struggle as so indicated?

A. The election platform of 1928. [323]

Mr. Del Guercio: I offer this book in evidence.

Presiding Inspector: It may be received.

(The book referred to was received in evidence and marked Government's Exhibit 102.)

By Mr. Del Guercio:

Q. I will show you a booklet headed the "Manifesto of the Communist Party by Karl Marx and Friedrich Engels, edited and annotated by Friedrich Engels, authorized English translation, International Publishers, New York," and ask you if you can identify it?

A. (Examining booklet) That is identical with the one you introduced before.

Q. Yes.

A. Only published in a different year.

Q. And it is published by the "International Publishers of New York"? A. Yes.

Q. That is a Communist controlled organization?

A. That is controlled by the Communist International.

Q. By the Communist International?

A. Yes, sir.

Q. Was this document distributed by the Communist Party then in existence? A. It was.

(Testimony of Benjamin Gitlow.)

Q. And circulated by them? [324]

A. Certainly.

Mr. Del Guercio: I offer this in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 103.)

By Mr. Del Guercio:

Q. I will show you a booklet entitled "The Party Organization and Introduction by Jay Lovestone, Workers (Communist) Party of America, 1113 W. Washington Blvd., Chicago, Illinois, published for The Workers (Communist) Party of America by the Daily Workers Publishing Co., 1113 W. Washington Blvd., Chicago, Illinois," and ask if you can identify it?

A. (Examining booklet) Yes, I can identify this. This was published by the Party and contains a letter from the Communist International to the Central Executive Committee on the question of the reorganization of the Communist Party, and also on the Constitution of the Party.

Q. Was that circulated by the then Communist Party? A. It was.

Q. And distributed by them? A. Yes.

Q. Circulated and distributed? A. Yes.

Q. And caused to be printed and published by them? [325] A. Yes.

Mr. Del Guercio: I offer it in evidence.

Presiding Inspector: It may be received.

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government's Exhibit No. 104.)

By Mr. Del Guercio:

Q. I will show you a booklet called "Left Wing Communism, an Infantile Disorder, by N. Lenin, The Marxian Educational Society, 5941 Jos Campau Avenue, Detroit, Michigan," and ask you if you can identify it?

A. (Examining book) Yes, I can identify this booklet.

Q. Was that booklet caused to be published and printed by the then Communist Party?

A. No; this was published by the Marxian Educational Society, and organization in Detroit which later on the Communist Party inherited, but similar works of this order were published by the Communist Party and distributed, because this book, "Left Wing Communism, an Infantile Disorder by N. Lenin" is one of the most important Communist pamphlets written by Lenin. It is one of the classic works of Lenin which every Communist is expected to read and to digest, and copies of this were printed from time to time by the Party. They are contained in the collected works of Lenin which are published by the International Publishers as the recognized [326] position of Lenin on the questions raised within this pamphlet.

Q. And this contains the same material?

A. This contains the same material, though, this



(Testimony of Benjamin Gitlow.)

particular pamphlet was not published by the Communist Party.

Q. Was this pamphlet distributed by the Communist Party?

A. This pamphlet was distributed by the Communist Party.

Q. And circulated?

A. And circulated. This pamphlet printed by The Marxian Educational Society was circulated in very large quantities by the Communist Party.

Mr. Del Guercio: I offer this document in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 105.)

Presiding Inspector: We will suspend until 2:00 o'clock.

(Whereupon at 12:35 o'clock p.m., a recess was taken until 2:00 o'clock p.m., of the same day.) [327]

After Recess—2:00 P. M.

Presiding Inspector: You may proceed.

**BENJAMIN GITLOW**

called on behalf of the Government, having been previously duly sworn, testified further as follows:

**Direct Examination**

(Resumed)

By Mr. Del Guercio:

Q. Mr. Gitlow, I will show you a booklet called "Selected Works by V. I. Lenin," published by the International Publishers, and ask you if you are familiar with this book?

A. (Examining book) Yes, I am familiar with it.

Q. Is that book published by the International Publishers? A. Yes.

Q. And that is the organization owned and controlled by the Communist Party?

A. Communist International; yes.

Q. Was this booklet circulated and distributed by the Communist Party?

A. Many copies of that book in one form or another; yes, sir.

Q. And does it contain the accepted doctrines, practices and policies of the Communist Party, Communist International, and, of course, the Communist Party of the U. S. A.? —A. Yes.

Mr. Del Guercio: I offer this book in evidence, your Honor. [328]

Presiding Inspector: It may be received.

(The document referred to was received in

(Testimony of Benjamin Gitlow.)

evidence and marked Government Exhibit No. 106.)

By Mr. Del Guercio:

Q. I will show you a booklet called "The Struggle Against Imperialist War and Tasks of the Communists, Resolution of the Sixth World Congress of the Communist International," published by the Workers Library Publishers, P. O. Box 148, Station D, New York City, and ask you if you can identify this booklet.

A. I know the resolution. I haven't seen this booklet, but the resolution is contained in the exhibit just introduced, resolution of the Sixth World Congress of the Communist International. These are identical resolutions.

Q. And the Workers Library Publishers that published this book, as you stated before, are owned and operated by the Communist Party?

A. By the Communist Party; yes.

Q. Do you know if this document was distributed and circulated by the Communist Party?

A. Not in this form that I know of personally, but in the other form which you showed me, I know that.

Q. But you know it is published by the Workers Library Publishers? A. I do.

Mr. Del Guercio: I offer this book in evidence.

[329]

Presiding Inspector: It may be received without objection.

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government Exhibit No. 107.)

By Mr. Del Guercio:

Q. I will show you a booklet entitled "Program and Constitution Workers Party of America, Adopted at National Convention, New York City, December 24-25-26, 1921, published by Lyceum and Literature Department, Workers Party, Room 405-799 Broadway, New York City," and ask if you can identify it?

A. (Examining booklet) Yes, I can.

Q. And what is the Lyceum and Literature Department of the Workers Party?

A. That was the Lecture and Literature Department of the Workers Party at that time, and the Workers Party at that time, as I informed you before, was the legal expression through which the underground Communist Party at the time operated.

Q. And was this document published and distributed, or caused to be published and distributed by the Workers—

A. (Interrupting) Party.

Q. (Continuing) Party? A. Yes, sir.

Q. And it was circulated by the Workers Party? A. Yes, sir.

Q. And it contains the true program and constitution of [330] the Workers Party?

A. It does.

(Testimony of Benjamin Gitlow.)

Q. Of America? A. It does.

Mr. Del Guercio: I offer this booklet in evidence.

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government Exhibit No. 108.)

By Mr. Del Guercio:

Q. I will show you a copy of "The Worker, an Organ of Revolutionary Working Class Expression" dated "Saturday, March Three, 1923," and ask you if you can identify this?

A. That is the Weekly Organ of the Workers Party published in New York City.

Q. Was it owned and controlled by the then Communist Party? A. Yes, it was.

Q. And was this their official organ?

A. This was the official organ of the Workers Party, the legal expression of the Communist Party.

Q. This was before the organization of the Daily Worker?

A. Yes, that was before the launching of the Daily Worker, and at that time Ruthenberg was the Secretary, the Executive Secretary of the Workers Party.

Q. And did I understand you to say that everything that [331] was printed in this had to be edited by some high functionary of the Communist Party?

A. That had to met with the approval of the Communist Party.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this in evidence, if your Honor please, and ask that the photostatic copy be substituted therefor.

Presiding Inspector: Yes, received: Mark them both so there is no question about it.

(The document referred to was received in evidence and marked Government Exhibit No. 109.)

By Mr. Del Guercio:

Q. I will show you a booklet entitled "On The Road to Bolshevization" published by the Workers Library Publishers, 39 East 125th Street, New York, New York," and ask you if you are familiar with this booklet?

A. (Examining booklet) Yes, I am familiar with this booklet.

Q. And the publishing company there is controlled and owned by the Communist Party?

A. It is.

Q. And was that booklet distributed and circulated by the—

A. (Interposing) Communist Party.

Q. —Communist Party? [332]

A. Yes, sir.

Q. Are you familiar with the contents of this booklet?

A. It contains Excerpts from Theses of Sixth World Congress, the Open Letter from the Comintern to Sixth Convention of the Communist Party of the United States, the Address of the Comintern to the Membership of the Communist Party of the



(Testimony of Benjamin Gitlow.)

United States, and, the Decision of the Central Committee of the Communist Party of the United States on the Address of the Comintern.

Q. Just what is—I believe you explained before here, the Comintern Address? A. Yes, sir.

Q. Does that contain the Comintern Address?

A. That contains the Comintern Address.

Q. Can you state briefly what it is?

A. The Comintern Address, as I stated before, was the confession which was drawn up in Moscow at the orders of Joseph Stalin, which Joseph Stalin demanded that I and other members of the Communist Party of the U. S. A. sign. Our refusal to sign that confession resulted in our expulsion from the Party.

Mr. Del Guercio: Yes. I offer this booklet in evidence, your Honor.

Presiding Inspector: It may be received. [333]

(The document referred to was received in evidence and marked Government's Exhibit No. 110.)

By Mr. Del Guercio:

Q. I show you an issue of "The Worker, an Organ of the Revolutionary Working Class Expression," for Saturday, January 20, 1923, and ask you if you can identify that?

A. (Examining pamphlet) That is the official weekly organ of the Worker Party.

Q. And that is similar to the—

A. (Interposing) To the one before.

Q. —the one introduced before?

(Testimony of Benjamin Gitlow.)

A. Yes.

Q. And that was the official organ of the then Communist Party?

A. Of the the then Workers Party, which was the legal expression of the Communist Party at the time.

Mr. Del Guercio: I offer this in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 111.)

Mr. Del Guercio: It is understood that the photostatic copy may be substituted?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. I show you a booklet entitled "The Second Year," [334] published by the Literature Department, Worker Party of America, 1099 North State Street, Chicago, Illinois, and ask you if you are familiar with this book?

A. (Examining book) Yes. I am familiar with this book.

Q. Was that caused to be published by the then Communist Party? A. It was.

Q. And was it circulated and distributed by the then Communist Party? A. It was.

Mr. Del Guercio: I offer this book in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in

(Testimony of Benjamin Gitlow.)

evidence and marked Government's Exhibit No. 112.)

By Mr. Del Guercio:

Q. I show you a magazine called "The Workers Monthly, a Communist Magazine," for September 9, 1925, and ask you if you can identify that?

A. (Examining magazine) Yes, I am.

Q. By whom was this published?

A. It was published by the Communist Party.

Q. And were the matters contained therein edited and approved by the Communist Party, or someone on behalf of the Communist Party? [335]

A. This Workers Monthly at that period, in September, 1925, was a combination of a number of journals, which were contracted into one and published by the Communist Party. If you will turn to the masthead you will find the Workers Monthly a combination of the Labor Herald—that is the former official organ of the Trade Union Educational League—the Liberator, and Soviet Russia Pictorial. That was the journal of the Friends of Soviet Russia at the time. All these three, which were formerly published as non-party organs, were combined into one, that is, the Workers Monthly, and published officially as the organ of the Communist Party.

Mr. Del Guercio: I offer that magazine in evidence, your Honor, and ask that the photostatic copy be substituted.

Presiding Inspector: It may be received.

(Testimony of Benjamin Gitlow.)

(The document referred to was received in evidence and marked Government Exhibit No. 113.)

By Mr. Del Guercio:

Q. I will show you a copy of the "International Press Correspondence", Volume 9, No. 12, dated March 1, 1929, and ask you if you can identify it?

A. (Examining document) Yes, I can.

Q. What is the "International Press Correspondence"?

A. That is a news release of the Communist International, published in a number of languages.

[336]

Q. Where is it published, do you know?

A. Well, this one, at the time, was published in Vienna.

Q. But under the direction of the Communist International?

A. Yes.

Q. Published and distributed by them?

A. Published and distributed by the Communist International and by the Communist Parties of the various countries.

Mr. Del Guercio: I offer this in evidence and ask that a photostatic copy be substituted.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 114.)

By Mr. Del Guercio:

Q. I will show you another copy of the "Inter-

(Testimony of Benjamin Gitlow.)

national Press Correspondence," Volume 9, No. 27, dated June 7, 1929, and ask you to state if it is similar to the one you previously identified?

A. (Examining document) This is similar to the one just introduced.

Q. And it is also published and distributed under the control of the Communist International?

A. That is right.

Mr. Del Guercio: I offer this in evidence and ask that a photostatic copy be substituted.

Presiding Inspector: It may be received. [337]

(The document referred to was received in evidence and marked Government Exhibit No. 115.)

By Mr. Del Guercio:

Q. I show you a booklet called "Why Every Worker Should Join the Communist Party," and ask you if you are familiar with that booklet?

A. (Examining booklet) I am familiar with the booklet.

Q. And you are familiar with its contents?

A. Yes.

Q. By whom is it published?

A. It was published by the Communist Party.

Q. And was it distributed and circulated by the Communist Party? • A. It was.

Q. Would you say that this is one of the most widely distributed small pamphlets ever issued?

A. We published such pamphlets from time to time when I was in the party, "Why Every Worker Should Join the Communist Party"; the original

(Testimony of Benjamin Gitlow.)

series was started by Charles E. Ruthenberg, and they were continued and changed from time to time.

Q. Do you know if this was sold or given away free?

A. It was sold, and given away free, both.

Q. By members of the Communist Party?

A. Yes.

Mr. Del Guercio: I offer it in evidence, your Honor. [338]

Mr. Gladstein: What date did the witness say this particular document was put out?

By Mr. Del Guercio:

Q. When was this document first put out?

A. That particular one I couldn't say.

Q. This says on the back, "Communist Party Membership Drive 1929-30. Application for membership in the Communist Party of the U. S. A." It further states: "The undersigned declares his adherence to the program and statutes of the Communist International and the Communist Party of the U. S. A. and agrees to submit to the discipline of the Party and to engage actively in its work."

Does that refresh your memory?

A. Well, I think that was issued right after my expulsion from the Party.

Q. There were similar documents published by the Communist Party before? A. Yes.

Q. Having the same contents?

A. The same, or a little different.

Q. And you know of your own knowledge that



(Testimony of Benjamin Gitlow.)

it was distributed by the Communist Party even after your expulsion?      A. Yes.

Mr. Del Guercio: I offer it in evidence.

Mr. Gladstein: Before the offer is ruled on, your Honor, [339] I would like to say this: As I understand the witness' testimony, he says, first, that as to the particular document which is now being offered by the Government he does not, of his own knowledge, know whether it was distributed, or when it was distributed because he was no longer connected with the Communist Party; secondly, that similar documents were distributed. And when counsel asked Mr. Gitlow whether the same document or the same contents were distributed in the form of a document, he said "The same, or a little different."

Now, it seems to us that an appropriate foundation for the receipt of this document has not yet been laid.

Mr. Del Guercio: Do you question the authenticity of this document, or do you question that it was distributed by the Communist Party?

Mr. Gladstein: You have not yet established it, Mr. Del Guercio.

Mr. Del Guercio: That is for the Court to say.

Presiding Inspector: You may ask some clarifying questions.

By Mr. Del Guercio:

Q. Mr. Gitlow, have you ever seen this particular document?      A. I have.

Q. Do you know whether or not this document,

(Testimony of Benjamin Gitlow.)

or one, similar to it, of course, was distributed by the Communist Party?

A. Many similar to that have been distributed by the Party. [340]

Q. Distributed by the Communist Party of the United States?

A. Yes; just as the statement by the Daily Worker, after my expulsion, was distributed by the Party.

Q. By whom were they distributed?

A. By Communist Party members.

Presiding Inspector: When you say "a little different" do you mean any substantial difference in contents?

The Witness: Well, there would be a difference in contents. For example, when Ruthenberg wrote the pamphlet, "Why you should Join the Communist Party," that was before my expulsion. This pamphlet (indicating) was written after my expulsion and the situation was different and the pamphlet was framed accordingly.

By Mr. Del Guercio:

Q. You kept up with your former friends in the Communist Party after your expulsion?

A. With as many as would associate with me; yes.

Q. And because of your association with such persons do you know whether or not this pamphlet was distributed by the Communist Party?

A. I know it is the same thing, this pamphlet,

(Testimony of Benjamin Gitlow.)

advertised in the Daily Worker, and printed under the auspices of the Communist Party.

Mr. Del Guercio: I renew my offer. [341]

Presiding Inspector: Received.

(The document referred to was received in evidence and marked Government Exhibit No. 116.) [342]

By Mr. Del Guercio:

Q. While you were a member of the Communist Party, Mr. Gitlow, was every prospective member or applicant for membership in the Communist Party required to sign a pledge similar to that contained on the back of this booklet, Government's Exhibit 116? A. Yes, sir.

Q. I will show you another copy of the "International Press Correspondent, Volume 6, No. 40, dated May 13, 1936" containing, among other things, the "theses and resolutions adopted at the VI Session of the enlarged E.C.C.I., 17th February to 15th of March, 1926", and ask you if you can identify it?

A. (Examining document) I can.

Q. And by whom was that published?

A. By the Communist International.

Q. And was it distributed and circulated by the Communist International?

A. By the Communist International and by the sections of the Communist Party.

Q. In the various countries of the world?

A. Yes.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this in evidence and ask that the photostat copy of it be substituted for the original.

Presiding Inspector: It may be received.

(The document referred to was received [343] in evidence and marked Government's Exhibit No. 117.)

By Mr. Del Guercio:

Q. I show you a booklet entitled "Working Class Against Capitalist Class is the Main Issue of the Communist Party, Election Platform, Communist Party, U. S. A." and ask if you can identify it?

A. (Examining booklet) No; this was published after my time.

Q. Have you ever seen such a book?

A. No, I haven't seen this one.

Mr. Gladstein: Is the document described in the record so that, despite the fact it has not been offered in evidence, the record will show what the title of the document is? Did you describe it?

Presiding Inspector: Yes, I think the title was given. If you would like to have it marked for identification, it might be marked.

Mr. Del Guercio: Well, I will do that, have it marked for identification.

Presiding Inspector: Have it marked for identification but not in evidence.

Mr. Del Guercio: I haven't offered it in evidence.

(Testimony of Benjamin Gitlow.)

Presiding Inspector: No, just mark it for identification. You asked some questions about it; it won't do any harm.

(The document referred to was marked as Government's Exhibit No. 113 for identification.) [344]

By Mr. Del Guercio:

Q. I show you a booklet called the "Communist Nucleus, What it is, How it Works, by M. Jenks" and ask you if you can identify it? On page 2 hereof appears, "Workers Library No. 7."

A. (Examining booklet) Yes, I can identify this. This booklet was published by the Communist Party and it was written by M. Jenks, who was sent by the Communist International to the Communist Party to supervise the reorganization of the Communist Party.

Q. Do you know the M. Jenks personally?

A. I do.

Q. You know him as a member of the Communist Party?

A. He was not a member of the Communist Party. He was sent by the Communist International to the American Communist Party to supervise the reorganization of the Party.

Q. And was this booklet distributed and circulated by the then Communist Party?

A. It was.

Q. Do you know if it still is circulated and distributed?

A. That I couldn't tell you.

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: I offer this booklet in evidence, your Honor.

Presiding Inspector: It may be received.

(The booklet referred to was received in evidence and marked Government's Exhibit No. 119.) [345]

By Mr. Del Guercio:

Q. Now, Mr. Gitlow, you have testified, I believe, that you were expelled from the Communist Party of the United States of America in 1929; is that correct? A. That is correct, yes.

Q. Have you since your expulsion continued to read Communistic literature up until the present time? A. I have.

Q. Would you say how much Communist literature you have read?

A. Well, quite a good deal. I follow the Communist press and Communist books, and I follow both the official books and the books that are critical of the Communist movement.

Q. And do you recognize, or did you recognize at the time you read such literature as being official literature and publication of the Communist Party of the U. S. A.?

A. Well, I should surmise that the Communist Party, when it publishes literature, expects you to recognize that it is its literature.

Q. Have you, since your expulsion, read pamphlets and publications published and printed by the Communist Party of the U. S. A., and by the Communist International? A. I have.



(Testimony of Benjamin Gitlow.)

Q. Have you kept in touch with the policies and practices and aims and objectives of the Communist Party of the U. S. A. [346] in any other way since your expulsion? A. I have.

Q. Up to the present time?

A. Up to the present time.

Q. Are you familiar with the present aims, objects and policies of the Communist Party of the U. S. A.?

A. I am; I am familiar with its immediate aims and also its ultimate aims.

Q. And are you familiar with the aims and practices of the Communist Party, particularly between the period 1932 and 1939? A. I am.

Q. Has there been any change in the fundamental policies, purposes, aims and objectives of the Communist Party of the United States between 1929 and the present time? A. No.

Mr. Gladstein: Very general, your Honor.

Presiding Inspector: It calls for a yes or no answer.

Mr. Gladstein: All right.

~~Presiding~~ Inspector: Has there been any change?

The Witness: No fundamental change.

By Mr. Del Guercio:

Q. No fundamental change. Has the Communist Party of the United States of America continued, since 1929, to believe in, advise and advocate and teach the overthrow of the Government of the United States by force and violence? [347]

(Testimony of Benjamin Gitlow.)

A. It has.

Q. Does it do so today, so advise, advocate and teach? A. Yes, it does.

Q. And does it print and publish publications advocating, teaching and advising the overthrow of the Government of the United States by force and violence?

A. It has not withdrawn the works of Lenin, to my knowledge.

Q. Would you say that it does today?

A. It does, yes.

Q. Has it been since 1929, and is it still dominated and controlled by the Communist International, that is, the Communist Party of the United States? A. It is.

Q. And, I believe, you called the Russian Communist Party the MOPR?

A. No, no; that is the Red Aid International.

Q. The Red Aid International. You don't know the name of the Russian Party?

A. The Russian Party? The Communist Party of the Soviet Union.

Q. Does the Russian Party still dominate the Communist International?

A. The Russian Party dominates the Communist International and every section of the Communist International. [348]

Q. And it does so today?

A. It does so today.

Q. Now, you have testified that when you went to Soviet Russia in 1929 on behalf of the Communist

(Testimony of Benjamin Gitlow.)

Party you had some disagreement with Monsieur Stalin. A. That is true.

Q. What was the nature of that disagreement?

A. The nature of that disagreement was not over the fundamental principles and concepts of Communism, but over the question of the rights of the Communist International over the American Party. Stalin, in 1929, demanded that the American Communist Party remove the leadership it elected of the Party, and replace it with a leadership which was dictated by Stalin.

As a result of Stalin's orders to the American Party, I, and a number of other members of the Communist Party went to the Communist International to appeal against Stalin's decision.

At that time I was of the opinion—I was still a Communist and I was of the opinion that if we were to have a Communist revolution in the United States that revolution necessarily would have to be made by American Communists. The Russian Communists wouldn't make a revolution in the United States. Therefore, I fought against the dominance of the party by Joseph Stalin and the Russian Bolsheviks at that particular time. [349]

And, as a result of that fight, the Communist Party of the United States was taken over body and soul, very completely, by Joseph Stalin, and the leaders who were maintained in the Party organization necessarily realized that they could maintain their leadership only by complete subserviency to the orders and dictates and to the rule of Stalin.

(Testimony of Benjamin Gitlow.)

You had in the United States then not a native revolutionary party, which is possible, but you had in the United States a party which was owned, operated, controlled, dominated, by the ruler of Russia and by the Russian Government, serving its purposes completely.

Q. A foreign dominated party?

A. A completely foreign dominated party.

Q. And would you say that it is still a foreign dominated party?

A. Well, I should say even more so than it was in my time, because in my time some of the leaders thought they could object to some of the rulings of the Russian leaders, but now you have no such objection. You have complete servility on the part of the party to the Russian leadership, and if you will examine Communist literature, official Communist literature, and the official press of the party, you will not find a single line or a single word of criticism of the Soviet Government, of criticism of the leaders of the Soviet Government, a single word of criticism of Joseph Stalin. Quite an [350] unheard of thing, it seems, when you look over that matter.

How is it possible that in a country as large as Russia everything that is officially done must meet with approval? There is nothing happening in Russia that is subject to criticism as far as the official Communist press is concerned.

Q. Now, during the time that you were a member of the Communist Party from 1919 up to the time

(Testimony of Benjamin Gitlow.)

of your expulsion were you in complete accord with the principles and doctrines and policies and practices and objectives of the Communist Party?

A. I was.

Q. And did you, yourself, believe in, advise, and advocate as a member of the Communist Party the forcible violent overthrow of the Government of the United States?

A. I did, as a Communist, believing in those principles, I certainly did.

Q. And as a member of the Communist Party did you teach those principles, particularly with reference to the revolutionary and violent overthrow of all existing forms of government, particularly the Government of the United States?

A. I did.

Q. Now, Mr. Gitlow, you have testified that you were first a Socialist.

A. I joined the Socialist movement in the year 1907.

The Socialist Movement at that time was a democratic organization, believed in democracy, and proposed to achieve [351] the ends of Socialism through the democratic process.

The Russian Revolution broke out in 1917 and, as a result of that event, it created a turmoil and had a tremendous effect upon the membership of the Socialist Party, and many in the Socialist Party believed that the Bolsheviks at that time showed the way to the achievement of Socialism, not only in Russia, but throughout the entire world. And



(Testimony of Benjamin Gitlow.)

being a believer in Socialism, I accepted the Bolshevik principles and took an active part in the organization of the Communist Party in this country.

At the time, however, when the movement started we accepted all the tenets of iron discipline, the organization of a political party on a military basis, but the Communist International and its control and dominance over the movement had not yet taken place. That came a short while afterwards. When that came, took place, I was of the opinion, as all Communists were, that we needed a world revolutionary party, represented by the Communist International, to achieve Socialism on a world scale, and I was an active Communist and a member of the organization and a worker for the organization.

As I told you, my first break with Communism came in the year 1929 over the question of the rights of the Americans in the world party. And from then on, I began to review and restudy the philosophy, the principles, and everything pertaining not only to the Communist movement, but to the Socialist [352] movement, and to general political developments.

As a result of that study I did not change my Communist views completely, but I formulated certain reforms in the Communist movement which I thought were essential. I was still a Communist, remember. Among those, I thought in a country like Russia, it was necessary to have some form of democracy limited to Communists who accepted the



(Testimony of Benjamin Gitlow.)

Communist program, and that in a country like Russia it is possible to have two parties, or three parties, or four parties, instead of just one party.

I also was of the opinion that the Russians had no right to dominant control over Communist Parties in other countries. But when Hitler came into power in 1933 I concluded that the role of Communism was inimical, was dangerous, and was against progress, and I changed my beliefs in Communism. However, I still maintained that the Communist movement, being made up primarily of working men and working women, made up primarily of the under dogs in society whose slogans and appeals were aimed at the elements in society, —I was of the opinion that it might be possible in the future for the Communist movement to overcome the bad features of this organization and to really constitute itself as a force for the underprivileged and for the oppressed of the entire world.

But as years progressed my belief in this too was very deeply shaken; and in a very short period of time I came to the conclusion that Communism was not a way out for the masses. [353] particularly reviewing the events which were taking place in Russia, seeing how the Russian State, known as the Dictatorship of the Proletariat, developed, how it became a state over the people, how it denied the people in Russia all rights, how the unions in Russia were denied the right to strike, denied the right to defend the interests of the workers that were forced by the Government to belong to that union.

(Testimony of Benjamin Gitlow.)

I reviewed the effects of the Five-Year Plan, the actions of the Government against the rural masses, and then the whole political oppressive system that resulted in the numerous purges which took place in the Soviet Union, and here we had a super state, a dictatorship, a tyranny in the true sense of the word, far more tyrannical than the tyrannies of Ancient Greece where you had a country ruled from the top down, and no expression of any opposition to those in position of rulership permitted by the Government, a press owned and controlled by the Government, schools owned and operated and controlled, all of them, by the Government, all avenues of public opinion owned and controlled by the Government, a judicial system that was a farce and denied all rights to the individual when hailed to Court. All this convinced me that this was a Frankenstein which would bring tremendous consequences for the world. And when the Soviet Union signed the pact with Nazi Germany in August 1939 I just came to the conclusion that there were no [354] differences between Fascist States and Communist States, that both were ruled from the top down, that in both states you had a dictatorship; that in both states only one political party ruled, that in both states you had one man on top in absolute power, and when these two states got together, one from the extreme right and the other from the extreme left, and the consequence of that Union was to plunge the world into war, I came to the conclusion that we must treat

(Testimony of Benjamin Gitlow.)

Nazi Germany and Soviet Communist Russia identically the same way.

And it was for this reason that I took up the public fight against the Communist movement and agreed—and I want to assure you that it took a great deal of effort and a great deal of thinking and a great deal of person sacrifice on my part, and it broke for me acquaintances and friends untold in number to take up the fight that I have taken up, and nevertheless I took this fight up, knowing all the consequences involved, because I believe that we have, over a period of years, achieved certain rights, certain democratic privileges which are most important to mankind, and most important to the progress of society. Take away these privileges, destroy these rights, destroy democracy, take away the right of a man to think for himself and you enter the stages of absolute slavery, and you have what you have in Communist Russia today.

Our country is not perfect, but our democracy is something which gives us certain rights. And I reverted back to the [355] democratic processes and decided to do everything in my power to oppose any force, whether it is the Communist, whether the Fascist, whether the Nazis, that will take away my right to think as an individual and to act as an individual and to speak that which I believe in.

That is the reason I have taken the course which I have taken. [356]

(Testimony of Benjamin Gitlow.)

Mr. Del Guercio: You may cross examine.

Mr. Gladstein: If your Honor please, the defense is not interested in the character of the testimony given by the witness, Mr. Gitlow, and we, therefore, do not have any questions to ask of him. It may, however, develop, because we cannot foresee what the Government's case will be, that we may desire at some future time in the case to ask some questions of the witness. We, therefore, wish to have the Government agree to make Mr. Gitlow available if and when such an occasion arises.

Mr. Del Guercio: If the Court please, Mr. Gitlow has been on the stand here for several days and—

Presiding Inspector: They say they have no cross examination so far as now appears.

You are excused.

The Witness: Thank you.

(Witness excused.)

Presiding Inspector: Call your next witness.

Mr. Del Guercio: May we have a short recess, please?

Presiding Inspector: We will recess for five minutes.

(Whereupon a short recess was taken.)

Presiding Inspector: Mr. Del Guercio, we are ready for the next witness.

Mr. Del Guercio: Take the stand and be sworn, please, Mr. Chase. [357]

EZRA CHASE,

called as a witness on behalf of the Government,  
having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Ezra—E-z-r-a—Chase.

Presiding Inspector: Your address?

The Witness: Of Los Angeles.

Direct Examination

By Mr. Del Guercio:

Q. Mr. Chase, are you a member of any union at the present time? A. No, I am not.

Q. Have you ever been a member of any labor union? A. Yes, I have.

Q. Of what unions have you been a member?

A. The Upholsterers' International Union.

Q. And with what organization was that affiliated? A. The American Federation of Labor.

Q. And during what period of time?

A. From 1935 to December of 1937.

Q. Have you ever been a member of the Communist Party of the United States of America?

A. Yes, I have.

Q. When did you join the Communist Party?

[358]

A. I joined the Party in 1931.

Q. Where? A. In Los Angeles.

Q. And why did you join the Communist Party at that time?

A. Well, I found myself unemployed temporarily and somewhat bewildered as to the outcome of

(Testimony of Ezra Chase.)

the situation, and that probably helped me to join the Party.

Q. And for how long a period of time were you a member of the Communist Party?

A. I was in the Party then until some time in 1934, when I lapsed out for a period of about six or seven months; and then I rejoined it in 1935.

Q. Well, did you disassociate yourself from the Communist Party entirely in 1934?

A. No, not entirely. I merely quit attending meetings.

Q. And when you say you rejoined the Communist Party in 1935, what do you mean?

A. I had went to work in the furniture industry, and I joined a Union having jurisdiction in there, and the Union was completely dominated by Party members, and it would facilitate matters if I rejoined, which I did.

Q. And how long were you in the Communist Party following 1935?

A. I continued in the Communist Party until December of [359] 1937 when I denounced the party in a meeting with both Communists and non-Party members, and I told them that I could no longer go on with the policies of the Communist Party, and that I would be opposed to them from that day on.

Q. During the time that you were a member of the Communist Party did you hold any official positions in the Party?

A. Yes, I did. I held a number of positions.



(Testimony of Ezra Chase.)

I was at various times Unemployed Organizer. I was the Secretary of the American League against War and Fascism in Los Angeles; I was a Party Organizer at various times; I was a part of the Communist Steering Committee in the Central Labor Council.

Q. Now, what was that first organization, Communist Organization you spoke of?

A. Various Unemployed Organizations, the first one being the Unemployed Council.

Q. Unemployed Council?

A. That is right.

Q. When was that organized?

A. I couldn't say when the Unemployed Council was first organized, but it was some time in the Twenties. We started organizing it in Los Angeles about 1931.

Q. And you were one of the organizers of that Unemployed Council in Los Angeles?

A. Yes, I was.

Q. Were you acting upon directions at the time this [360] Unemployed Council was organized?

A. Yes.

Q. Under whose directions?

A. Ida Rothstein and Lawrence Ross.

Q. And who were Ida Rothstein and Lawrence Ross?

A. Ida Rothstein at that time was the Section Secretary.

Q. Of what?

A. Of the Communist Party.

(Testimony of Ezra Chase.)

Q. And who was Lawrence Ross?

A. Lawrence Ross was the Organizer, the Section Organizer.

Q. You said that Ida Rothstein was a Section Organizer?

A. No; she was the Section Secretary and Lawrence Ross was the Organizer.

Q. Organizer of what?

A. Of the Communist Party.

Q. What is a Section Organizer?

A. Los Angeles was formerly known as the Section of this District 13. District 13 was comprised of the State of California and part of Arizona and Nevada, having its headquarters in San Francisco, and Los Angeles was then—actually it was a sub-district known as a Section of District 13.

Q. Do you know who was the District Organizer of the Communist Party at that time?

A. Sam Darcy was the District Organizer.

Q. Sam Darcy? [361]

A. Yes, sir. His true name was Samuel Tardék—T-a-r-d-e-k. His party name was Sam Darcy.

Q. And his true name was what?

A. His true name was Samuel Tardék. His party name was Sam Darcy.

Q. By "Party name" what do you mean?

A. Well, practically all of the Party members use a different name on the records of the Party, and in their membership books, and oftentimes they are generally known by an assumed name.

(Testimony of Ezra Chase.)

Q. By an assumed name other than their true name?

A. Yes; not all the time, but oftentimes.

Q. When you used the word "Party" you meant the Communist Party of the United States?

A. I mean the Communist Party; yes.

Q. Did you join the Communist Party under an assumed name?      A. Yes, I did.

Q. And what was the assumed name you used?

A. I was advised to use an assumed name and I used the name of F. E. Shrader—S-h-r-a-d-e-r. That was the name that appeared on my first Party book.

Q. Were you told why you should use an assumed name in joining the Communist Party?

A. Yes, I was.

Q. By whom? [362]

A. It was explained to me that as long as my true name did not appear on the Party Book it would be very difficult for anyone to prove membership.

Q. For anyone—whom do you mean?

A. The law enforcement officers.

Q. And who told you that?

A. The man that took my application. His name was Frank Wilson.

Q. Frank Wilson?      A. Yes.

Q. Now, you said you were one of the organizers of the Unemployed Council?      A. Yes.

Q. And that this Unemployed Council was created by the Communist Party?

A. Yes, it was.

(Testimony of Ezra Chase.)

Q. Is that correct? A. Yes, sir.

Q. Why was it organized?

A. It was organized so that the Communist Party could use it as an organization for regimenting and mobilizing the forces of the unemployed into the revolutionary movement.

Q. What do you mean by "revolutionary movement"?

A. Of the Communist Party. The Communist Party is a revolutionary organization on a world-wide scale and designed [363] for the overthrow of every non-Communist Government and, I might state, the violent overthrow.

Q. The violent overthrow of every capitalistic country? A. That is right.

Q. Is the United States a capitalistic government? A. It is.

Q. Does the Communist Party so consider it?

A. Yes, they do.

Q. And you say this Unemployed Council was for the purpose of achieving, one of the means, rather, of achieving that end?

A. It had as its purpose, yes, the organizing of the unemployed, and of bringing them closer to the revolutionary movement.

Q. And how long were you associated with the Unemployed Council?

A. The Unemployed Council became definitely identified with the Communist Party, and it became necessary, in 1933, to make a change of policy

(Testimony of Ezra Chase.)

so the Unemployed Council, we allowed it to drop out of existence in name, and it was then replaced with a new organization under the name of the Relief Workers Protective Union.

Q. And you continued with it under the changed name? A. Yes; I continued with it.

Q. And did it have the same objectives?

A. The program was the same. [364]

Q. You say you were also connected with the American League against War and Fascism?

A. Yes, I was.

Q. What type of organization is that?

A. The American League against War and Fascism was an organization that was designed to bring into the revolutionary movement those elements that were opposed to war and to Fascism.

Q. By whom, who designed this?

A. The Communist Party.

Q. The Communist Party of the United States?

A. Yes.

Q. And do you know who conceived the idea of forming this American League against War and Fascism?

A. It was an outgrowth of a Congress that was held in Amsterdam, Holland.

Q. In Amsterdam?

A. Amsterdam, Holland, — a World Congress was held in Amsterdam, Holland. That was participated in by the leading pacifists and revolutionists and apponents of Fascism throughout the world.

At the conclusion of the Congress delegates went



(Testimony of Ezra Chase.)

back to their respective countries to set up similar branches in their countries.

In the United States it became the American League against War and Fascism. [365]

Q. Who was the delegate, if you know, that came to the United States to organize such an organization?

A. Well, I can tell you of one that was present and delivered the keynote speech, and that was Henri Barbusse—B-a-r-b-u-s-s-e—I believe it is.

Q. Did you know him?

A. He was a well-known French Communist, and I do not think there is any dispute on that from any source.

Q. When you say "a French Communist", you mean he was a member of the Communist Party in France? A. Yes.

Q. And you say he was sent, or came to the United States to organize the American League against War and Fascism?

A. I wouldn't say that he came here to organize it, but he came here as one of the speakers, and one of the moving forces of it, and attended the Congress that was held in New York, and delivered a keynote speech.

Q. Did you ever hold any position in the American League against War and Fascism?

A. I was the Los Angeles Secretary.

Q. The Los Angeles Secretary? A. Yes.

Q. And who appointed you as Secretary of the American League against War and Fascism?



(Testimony of Ezra Chase.)

A. I was appointed by Elmer Hanoff—H-a-n-o f f.

Q. And who was Elmer Hanoff? [366]

A. Elmer Hanoff at that time was the County Organizer of the Party in Los Angeles.

Q. Of what party?

A. The Communist Party.

Q. The Communist Party of the United States?

A. Yes.

Q. Of which you were a member?

A. Yes; of which I was a member.

Q. Were you appointed Secretary of the American League against War and Fascism because you were a Communist member? A. Yes.

Q. What were your duties—were you given any instructions by Elmer Hanoff?

A. Yes; I was given instructions by him as to what we hoped to make out of the organization.

Q. What were those instructions?

A. Hanoff told me that the American League against War and Fascism was designed to become one of the most important organizations in the revolutionary movement; that it would have as its duty the organizing and uniting under a united front all of those forces that were opposed to war, and opposed to Fascism; and that some day, possibly, when we were about to enter into an imperialistic war, the American League against War and Fascism could be used then to paralyze and to stop still the wheels of American Industry.

(Testimony of Ezra Chase.)

Q. How long did you continue as Secretary of the American [367] League against War and Fascism?

A. I occupied the office only a short while, possibly a month or two. I asked to be relieved of it.

Q. Why?

A. I didn't feel that I was the best fitted to contact the type of people that they were hoping to reach with the organization and I asked to go back to unemployed work.

Q. Whom did you ask?

A. I asked Elmer Hanoff.

Q. Why did you go to Elmer Hanoff?

A. Because he was the man who was directing the Communist Party's activities in Los Angeles.

Q. Was he openly associated with the American League against War and Fascism?

A. No. I never saw him around the American League against War and Fascism; but he assigned to aid me, advise me, a number of Communist Party members would become a Board of Directors for the organization.

Q. And you took all your instructions from Elmer Hanoff during the time that you were Secretary?

A. Yes, in the main. If I wanted to know anything about what to do in the organization I could go to Elmer Hanoff.

Q. Did you have any letterheads while you were secretary of the American League against War and Fascism?

(Testimony of Ezra Chase.)

A. There were letterheads, yes, of the organization. [368]

Q. Did anyone's name appear on the letterhead?

A. No, I believe not.

Q. Did your name appear there on?

A. No.

Q. Did that of Elmer Hanoff appear on the letterhead? A. No.

Q. Did the name of the Communist Party of the United States appear on the letterheads?

A. No, it didn't.

Q. And you say you were relieved of your duties as Secretary? A. Yes.

Q. By whom—Elmer Hanoff?

A. He excused me from that, and appointed in my place a woman by the name of Seima Matlin.

Q. Did you also know her as a member of the Communist Party? A. Yes, I did.

Q. Did you remain active in this League?

A. No. I ceased activity in the American League.

Q. Did you participate in any other activities of the Communist Party during the time that you were a member?

A. Yes; I was active all of the time.

Q. Did you belong to—strike that. I believe you testified that you belonged to the Upholsterers' Union? A. Yes.

Q. Did the Upholsterers' Union have a fraction composed [369] entirely of Communists?

A. Yes. We had two Communist Party units in the Union. We had a fraction that was active.

(Testimony of Ezra Chase.)

Q. What is a fraction?

A. A fraction is a group of leading Communists that meet for the purpose of discussing some specific problem.

Q. Some specific problem in connection with what?

A. Well, in a union it would usually be matters confronting the union.

Q. And you say that your Upholsterers' Union had such a fraction? A. Yes.

Q. Composed of how many members?

A. We had about 25 or 26 members at the peak of it.

Q. Does a fraction have a leader, a Chairman, or whatever he may be called?

A. A Chairman is elected at each meeting.

Q. At each meeting? A. Yes.

Q. There is no permanent Chairman?

A. No permanent Chairman, no; neither in the unit or in the fraction.

Q. And this fraction within the Union is composed entirely of members of the Communist Party?

A. Always. If they weren't all Communists it wouldn't be a fraction. [370]

Q. I see. How long were you connected with such a fraction while you were a member of the Upholsterers' Union?

A. From some date in 1935 to December of 1937.

Q. Was it known to the other members of the Union that there was a Communist fraction within the Union?

(Testimony of Ezra Chase.)

A. There was some knowledge among some of the members, but never a thorough knowledge. They weren't aware of it to the extent that they knew that vital decisions of the Union were already pre-decided in the Communist fraction before they reached the floor of the Union. They didn't know that much about it.

Q. Were you ever a member of the Steering Committee of any fraction or Union?

A. Why, I was a delegate to the Central Labor Council in Los Angeles, that is, the American Federation of Labor, and we had a fraction in the Central Labor Council that acted as a Steering Committee?

Q. What is the Steering Committee?

A. They were the floor leaders who would bring issues on the floor and lay the policy to guide the conduct of the rest of the fraction members.

Q. Was it purely a Union matter?

A. No, it wasn't exactly.

Q. Well, of whom was it composed?

A. I am afraid we don't understand each other correctly. [371]

Q. I am trying to find out exactly what the Steering Committee is, of whom it is composed.

A. Well, it is made up of all delegates—all would have to be delegates to the Central Labor Council, delegated by some local union. The Communists organized what was called, they called, a progressive bloc, and the purpose of this progressive bloc was to bring in non-Communists when they could,

(Testimony of Ezra Chase.)

and this bloc, its actions, would be controlled by a few of the Communists in there, which was known as the Fraction in the Central Labor Council, and usually they were the members of the Steering Committee.

Now and then an outsider who wasn't a Communist would also become a part of the Steering Committee and a floor speaker.

Q. While you were a member of the Communist Party did you ever run for public office?

A. Yes. I was a candidate for City Councilman in the 8th Councilmanic District.

Q. On what ticket?

A. Communist Party ticket.

Q. Were you a candidate for any other office?

A. I was a candidate in the 56th Assembly District for the State Assembly.

Q. On what ticket?

A. The Communist Party ticket.

Q. Did you have any hopes of being elected?

[372]

A. Well, I wasn't elected; I had some hopes.

Q. Why did you enter such elections on the Communist ticket?

A. The Communists take part in election campaigns and, to the extent of their financial ability and their organized forces, they will put forth candidates for various public offices for a number of reasons.

Q. Do you know those reasons?

A. Well, I know some of them. The Commu-



(Testimony of Ezra Chase.)

nists realize that there is little or no possibility, especially in the early stages of their election campaigns, to effectively elect anyone; but they do derive a great deal of propaganda by having their candidates on tickets where they can appear on platforms with other candidates, for the purpose of exposing and ridiculing the programs of other political candidates, and at the same time getting over their own propaganda to the public.

Q. While you were a member of the Communist Party did you attend Communist meetings?

A. Yes.

Q. How many of them, approximately?

A. You go from morning until night—one meeting after another.

Q. While you were a member of the Communist Party were you instructed to read certain literature? [373]

A. Yes. The reading of certain literature was obligatory.

Q. Compulsory, you mean? A. Yes.

Q. The reading of what literature was made compulsory?

A. We were required to read, out here on the West Coast, what was the Daily Worker—I mean the Western Worker, and it is now known as the People's World. We were required to read that publication.

Then there was the Party Organizer, and certain ones of us were urged to read the International

(Testimony of Ezra Chase.)

Press Correspondence, called the Imprecorr, the Communist Magazine; and various pamphlets and periodicals that would come out from time to time, such as the pamphlet by M. J. Olgin on "Why Communism?" We were obliged not only to read that, but to buy numerous copies for either resale or redistribution.

Q. Are all these publications, newspapers, periodicals that you have mentioned published and controlled by the Communist Party?

A. Most of them are published by the—the name has slipped my mind—International Publishers. I believe that to be a Communist Controlled publishing company; yes.

Q. Who instructed you to read such literature that you described?

A. Instructions would come down through the Org. meetings. [374]

Q. What is that?

A. That is the Organizers' meetings. The Literature Agent would come to the meeting equipped with the required literature, and the various members would avail themselves of copies of it.

Q. And at these Communist meetings would Communistic literature usually be sold?

A. Yes; at all of the units meetings.

Q. Would Communistic literature be distributed? A. Yes.

Presiding Inspector: What do you mean by "Unit meetings"?

(Testimony of Ezra Chase.)

The Witness: Each week—just a moment—each Communist Party member is assigned to a unit. A unit usually consists of anywhere from five or six members to seldom over 10 or 15 members. Those unit members will meet once each week and that is known as a unit meeting. But inside of that unit there is usually a fraction and a Fraction will meet separate of the unit to discuss some, maybe, just a single issue, where the unit will discuss the problems confronting the Party as a whole, the entire program.

By Mr. Del Guercio:

Q. I will show you a booklet headed "Why Communism?" by M. J. Olgin, and ask you if that is the pamphlet you testified about?

A. Yes, that is the pamphlet. [375]

Q. And have you read that pamphlet?

A. Yes, I have.

Q. And you were directed, you say, to read this on instructions from leaders of the Communist Party?

A. Yes.

Q. And is this pamphlet distributed by the Communist Party?

A. Yes; in book shops and their units, sold around picnics, and affairs of various kinds.

Q. Does this contain the teachings and doctrines of the Communist Party?

A. Yes; those are the teachings of the Communist Party.

Q. I will read from page 32 of this document:  
"The capitalist State is a glaring fact. It is flesh

(Testimony of Ezra Chase.)

and blood of the capitalist system. It stands in the way of the workers' progress towards a new, free life. Can it be abolished by gradual transformation? Those who say it can are the staunchest supporters of the capitalist robbers and the most active promoters of imperialist wars. Their theory is not harmless, indeed. It is a poisonous theory. It is a smoke screen behind which cruel capitalist exploitation is hiding.

"We Communists say that there is one way to abolish the capitalist State, and that is to smash it by force. To make Communism possible the workers must take hold of the State machinery of capitalism and destroy it." [376]

And to read on further:

"Once you agree that this State is your enemy the answer to the question is not difficult. Once you have freed yourself from the democracy illusion your road is clear."

Is that the teaching of the Communist Party of which you were a member?

A. That is the teaching; yes.

Q. Is that what they teach all of their members?

A. Anyone joining the Communist Party quickly comes to realize that the Communist Party is a revolutionary organization for the forcible overthrow of the Government. Now, the Communists wouldn't want it any other way. They know they couldn't take it any other way. The main bone of contention between the Communist Party and the Socialist Party has been for years around that very

(Testimony of Ezra Chase.)

issue. When the split took place at the Second International the right and left wing was formed; the Socialists taking the right wing under the belief that the change of government could be effected by democracy or by ballot; and the left wing being formed on the theory that no capitalist country would ever surrender its control over the people by peaceful measures. That group formed the Third International which is the Communist Party of today.

Q. Now, I will read here from page 63 of this book:

"This cannot be accomplished peacefully. The exploiters won't give up their loot even after their State power is crushed. [377] They will have to be routed. The Soviet government will have to expropriate the expropriators by force. The latter will conspire and plot against the new system; they will organize counter-revolutionary uprisings. The Soviet State will have to crush these with an iron hand. The former exploiters will be given no quarter."

Please answer "yes" or "no". Is this also some of the teachings of the Communist Party?

A. Yes. That was used as a text book time and time again in classes known as "Fundamentals of Communism."

Q. And reading again from page 69:

"The Communists belonging to any organization form a special fraction which discusses the problems of its organization and proposes a line of action for its members. This enables the Communists in a



(Testimony of Ezra Chase.)

reformist union or fraternal organization to follow the same line. The Party fraction advocates militancy and strives to transform the whole organization into a real fighting unit."

Is that the same kind of a Fraction that you have previously testified about? A. Exactly it.

Q. Is that the purpose of such a Fraction?

A. Yes. A small fraction can usually gain control of an organization in a reasonable length of time without a great deal of difficulty. [378]

Mr. Del Guercio: I offer this pamphlet in evidence.

Presiding Inspector: It will be received.

(The document referred to was received in evidence and marked Government Exhibit No. 120.)

Q. Did you ever attend any schools while you were a member of the Communist Party?

A. Yes, I have.

Q. What kind of schools?

A. I have attended classes on "Fundamentals of Communism"; I have attended classes in "Trade Union Tactics."

Q. Who conducted these schools?

A. Lou Baron conducted some of them.

Q. Who is Lou Baron?

A. Lou Baron was the organizer of the Trade Union Section of the Communist Party.

Q. In Los Angeles? A. In Los Angeles.

Q. And you attended the schools conducted by him? A. By Lou Baron; yes.



(Testimony of Ezra Chase.)

Q. They were known as Communist Schools?

A. Yes.

Q. Any other schools?

A. Yes; conducted by Mat Pelman, who was the Educational Director at various times of the Communist Party. [379]

Ethel Shipman conducted some of the classes. Ida Rothstein conducted some of them. Lawrence Ross conducted some of them—and there were others.

Q. What was taught at these schools?

A. The most popular classes were usually those on "Fundamentals of Communism," "Trade Union Practices," and "Anti-War and Anti-Fascist Activity." Practically every phase of the Communist activity would be covered by classes. There would be classes on the subject of organizing, there would be classes on public speaking, there would be classes on workers journalism, there would be classes on workers self-defense in court, and those were usually taught by a lawyer.

Q. And these classes, were they open to others than members of the Communist Party?

A. No, they wouldn't be. [380]

Q. Confined strictly to members of the party?

A. Members of the party. There would be classes from time to time that would be conducted where anyone could bring non-party members. The ones I am referring to, though, were those that were strictly within the party.

(Testimony of Ezra Chase.)

Q. Were you instructed in any of these classes as to how the government was to be overthrown?

A. Well, you gain a pretty good general knowledge after attending these classes for a length of time; the idea becomes quite general, and it seems, without a great deal of suggestion, that the violent overthrow will become necessary. The Communist Party will start the early education of a member, oftentimes, by explaining to them some of their competitive organizations, namely, the Socialist Party, and they will refer to it as a reformist type of an organization that is actually an additional leaning post for the capitalist system after their republican party and their democratic party have collapsed, that the capitalistic system would then utilize the Socialist Party. They criticize the Socialists, call them reformists, pacifists, things of that kind, because the Socialists do not believe that the use of force and violence will be necessary, where the Communists openly state and point out to the students in their classes that nowhere in the annals of history has a ruling class ever surrendered its rule over the people without the use of force and violence, that at any time, should the [381] workers become sufficiently strong to affect an important social change by the use of the ballot, that the capitalist system then will lay aside all pretense of democracy and rule by popular assembly, and will then rule them with brute force and will stand before them in its hideous reality which they call Fascism.

(Testimony of Ezra Chase.)

Q. Now, you say at some of these classes you were also instructed as a Communist as to how how you should behave when you were in Court.

A. Yes, there was a pamphlet issued on the subject also.

Q. What was the name of that pamphlet?

A. Called "Under Arrest". The idea of the pamphlet was to instruct a worker, when under arrest, how to conduct himself in Court without the aid of counsel.

Q. And who instructed you?

A. Leo Gallagher had classes on workers' self defense and Al Wiren taught classes on workers' self defense.

Q. Who is Leo Gallagher?

A. Leo Gallagher is an attorney in Los Angeles that has been defending radical cases over a period of years.

Q. Is he a member——

A. (Interposing) He was the one who was called by the Communists who were on trial in Berlin, Germany for the burning of the Reichstag. It was Leo Gallagher who went there as their defense attorney. [382]

Q. Do you know him as a member of the Communist Party?

A. I couldn't definitely place Leo Gallagher as a member of the Communist Party. I believe him to be, yes. He couldn't enjoy the confidence of the Communists to the extent that he does without being a member.

(Testimony of Ezra Chase.)

Q. And do you know him to be a member of the ILD?

A. Yes, Leo Gallagher is a member of the ILD and was at one time a member of the Juridical Committee of the International Red Aid. That is by his own words; he told me so.

Q. The what? I didn't get that.

A. The Juridical Committee of the International Red Aid which is—I will make a brief explanation. The ILD is the American section of the International Red Aid, which is the defense machinery that is set up on an international basis for the defense of the actions of Communists in various capitalistic countries. The American section is known as the ILD.

Q. And Leo Gallagher, you say, came to some of these classes and gave instructions as to what to do? A. Yes.

Q. In Court?

A. We were instructed, when under arrest, to give a name, but it need not necessarily be the right name, and to refuse to give our address.

Q. Well, did he tell you that if you were asked under [383] oath what your true name was, that you were to falsely swear and give an assumed name?

A. We weren't supposed to take an oath. It is not customary for Communist Party members to take an oath, but to affirm.

Q. To affirm. Leo Gallagher instructed you that

(Testimony of Ezra Chase.)

you were to give a false name when you were asked for——

A. (Interposing) At the time of arrest.

Q. At the time of arrest.

A. But we could give our name of a false name, either one.

Q. Well, were you to give your true name if you were so asked upon affirmation in Court?

A. You could, yes, because that would be easily gained, anyway.

Q. Who asked Leo Gallagher to give instructions at these conference meetings, do you know?

A. I presume that it would be those that were acting for the ILD and of the leading members, of which there has been a very close association.

Mr. Gladstein: Will you read the last question and answer, please?

(The question and answer referred to were read by the reporter.)

By Mr. Del Guercio:

Q. Is this the pamphlet that you refer to, "Under [384] Arrest"?

A. (Examining pamphlet) Yes, that is the pamphlet.

Mr. Del Guercio: I will offer in evidence this pamphlet entitled "Under Arrest", Workers Self-Defense in the Courts, issued by the International Labor Defense.

Presiding Inspector: It may be received.

(The pamphlet referred to was received in



(Testimony of Ezra Chase.)

evidence, and marked Government's Exhibit No. 121.)

By Mr. Del Guercio:

Q. By whom was this pamphlet distributed?

A. This was distributed by the International Labor Defense. It was distributed in the various party units; it was sold in the party bookshop.

Q. Was it sold and distributed also in closed Communist meetings? A. Yes, sir.

Q. Did Leo Gallagher use this book while teaching or lecturing on the subject?

A. He didn't exactly need it; he wrote it.

Q. While you were a member of the Communist Party did you become familiar with any of its practices and policies, particularly with reference to trade union matters?

The Witness: I didn't get all of the question.

(The question referred to was read by the reporter.)

A. Yes, I did.

By Mr. Del Guercio: [385]

Q. What were those policies and practices?

A. I was a part of an American Federation of Labor Union and our purposes there in the early beginning were to convert the American Federation of Labor from the craft type of organization to the industrial type of organization, and to push the organization further to the left, to work in it as much as we would work in any other organizations in order to extend the Communist influence, so that



(Testimony of Ezra Chase.)

the American Labor Movement could be utilized as a revolutionary force.

Q. What were some of its practices in that connection? How would they operate? How were you told to operate?

A. Well, in the early stages of it a great deal of our work would have to—on account of our weakness in the beginning would have to be confined in criticising the leaders of the American Federation of Labor, by pointing out their close connection with employers, their membership in political clubs, and other things about the bosses, the high salaries that they received at various times, and too, in general, break down the morale and the confidence that the members of the union might have, and to advocate the industrial form of organization.

Q. And were you told by leaders of the Communist Party why you were doing this work, or why you were to do this work in trade unions, for what purpose, with what objects, aims?

A. Well, we all, when you go into trade union work [386] by this time you have reached a certain stage of development where you understand just what you are doing. The Communist Party is building a revolution and they couldn't very well build it without having control over the most important industries, at least, that is, the workers in those industries. Their interest in the trade union is not essentially what it would appear to be on the surface, an interest in the wages, hours and conditions

(Testimony of Ezra Chase.)

of workers, but the Communist Party is very practical in its approach to people in various walks of life. They at all times approach them on a basis of their immediate needs. If it is unemployment, it is on a basis of food, clothing and shelter and for a greater amount of relief. If it is the worker that is on a job or in a trade union it is the improvement of his hours, his wages and his conditions. That is the basis upon which the Communists have to, and they do, approach workers, but that is not the actual aim. The Communist Party knows and they readily point out to workers that there is no actual solution to any of their problems under the capitalist system, that their only solution will eventually come from the overthrow and the destruction of the capitalist system and the setting up of a proletarian dictatorship, and it is their purpose to conduct their organization inside of the trade union movement, because the trade union movement offers a powerful force for the calling of a general strike, for instance, in which they could paralyze the industry of a nation and possibly could be converted to Civil War. That is their main [387] interest in the trade union.

Q. And where would you learn the Communist Party policy and practice, or where would you be given instructions concerning the policy and practice to be followed in boring within these trade unions?

A. I know of no other place that that could be

(Testimony of Ezra Chase.)

obtained outside of membership in the Communist Party.

Q. And who would give those instructions?

A. That would be delegated to various responsible Communists.

Q. And only by responsible Communists?

A. That is right.

Q. Would any one else but a Communist ever instruct a Communist Party member as to the Party line to be pursued in the trade union matters?

A. I have never known of an instance, and I would seriously doubt it.

Q. And when you speak of the "Party line", what do you mean by the "Party line"?

A. The Party refers to the line as being descriptive of the method that they are using to accomplish a certain task.

Mr. Del Guercio: Do you intend to adjourn now, if your Honor please?

Presiding Inspector: I thought we might go on about ten minutes. We have lost quite a little by recess.

By Mr. Del Guercio: [388]

Q. Do you recognize the Respondent here in these proceedings, Harry Bridges?

A. Yes, I recognize him.

Q. Where is he?

A. Sitting at the end of the table (Indicating).

Q. Did you ever hear Mr. Bridges discuss the

(Testimony of Ezra Chase.)

Communist Party line to be followed in trade union matters?

A. Well, I would put it this words: Bridges addressed a meeting; well, two meetings that I know of, in Los Angeles. One of them at the Olympic Auditorium where we were given instructions from the Party to publicize the meetings in the units and on the floor of the trade union. It was in July of 1937 and he was debating a man by the name of Latham—I believe that date is about correct—where Bridges presented the case of the Maritime Workers and Mr. Latham that of the employers, I believe. We were instructed to publicize that meeting as extensively as we possibly could.

At another date, about September 1937, I was called on the phone at the union headquarters of the Upholsterers' Union by Lou Baron.

Q. That is the same Lou Baron who you said testified?

A. Yes, the organizer of the trade union section of the Communist Party.

I was told by Lou Baron that there would be a meeting held the following morning at ten o'clock at 1210-1/2 West [389] Washington Boulevard. Now, the reason for this meeting being called was that there had been considerable confusion in the ranks of Party members, Communist Party members, and members of the American Federation of Labor and in the CIO itself as to what the procedure would be in moving A. F. of L. unions into the CIO.

There had been a number of opinions on it.

(Testimony of Ezra Chase.)

There were a number of A.F. of L. locals, where part of the members wanted to move CIO and part wanted to remain A.F. of L. Some of the members wanted to split the unions and take as many members out as they could over to the CIO. Sometimes, they wanted to take an entire local over to the CIO.

Q. Just a minute. Did Lou Baron tell you what the purpose of the meeting was?

A. Well, yes. I am explaining the circumstances that led up to the necessity for calling this meeting. And Lou Baron called me—it was late one afternoon in the union office—and he told me to get Joe Silva, who was the President of the union, and Walter Westfall, who was the Business Agent—both of them are Communists, however—and that we were to attend the meeting where Harry would outline and lay down the line that was to be followed in the matter of American Federation of labor unions going CIO.

Q. By "Harry" whom do you mean?

A. Harry Bridges. [390]

Q. Harry Bridges. And what line did Mr. Baron say?

A. He didn't state the line; we got that at the meeting.

Q. But he did tell you that you were to attend the meeting so that you could hear the line that Harry Bridges would tell you to follow?

A. That is correct. He was laying down the line that was to be followed.



(Testimony of Ezra Chase.)

Q. Do you know if he told any other Communists or Party members to be present?

A. Well, there were quite a few there.

Q. There were quite a few there. How many were there, would you say?

A. Oh, there was about 25, probably, maybe 30 people present.

Q. And how many of those people were Communists?

A. I was not acquainted with all of them. I would say, I think, I knew 10 or 15 of them to be Communists. I knew one who was not a Communist.

Q. Who was not a Communist?

A. There was one present who was not a Communist, to my knowledge. There could have been others among those with whom I was not acquainted.

Q. And do you know the names of those that were present that were members of the Communist Party? [391]

A. There was Walter Westfall, Joe Silva, Eddie Sugar, S-u-g-a-r, Bill Gately, Don Healy, Matt Pellman, Lou Baron, and a man by the name of Schat, S-c-h-a-t.

Q. These were all members of the Communist Party?

A. These were all members of the Communist Party.

Q. Did the Alien here, Mr. Bridges, speak at that meeting?

A. Yes, he did.



(Testimony of Ezra Chase.)

Q. And what did he say?

A. Well, he was—he outlined there that the policy of the A. F. of L. union should not be to chip off in any small chunks—this was the essence of what he said—from the American Federation of Labor, but that they should strive to elect delegates to their Central Councils, Central Labor Council, who were firmly toward the CIO, and those that were holding national conventions should elect delegates to the national convention who would be friendly to that, and that the effort should be put forth to swing the entire International, if possible, over to the CIO; that was the general line that he laid down.

Q. Do you remember anything else that the Alien said at that meeting?

A. Yes; he took quite a shot at the Red baiters.

Q. What did he say about “Red baiters?” [392]

A. I—just a moment. (Pause) Oh, he said in words to this effect—he says, “There was a time that I felt that if anyone was opposed to the Communist Party that it was his privilege to so speak, but”—he says “experience has taught me that those who make a practice of Red baiting are usually agents of the bosses and are the enemies of true trade unionists and should be treated with distrust.”

Q. Did he say anything else at this meeting that you recall?

A. I don't recall anything else of importance.

Q. How long did Mr. Bridges speak at that meeting, if you know?

(Testimony of Ezra Chase.)

A. Well, I arrived late and he was on the floor speaking when I arrived—I don't believe I was over five minutes late—and he possibly spoke 30 to 40 minutes.

Q. And after the meeting were you given any instruction by Elmer Hanoff?

A. No, I was not. After the meeting we went back to our usual affairs. We called a Fraction meeting in the union of which I was a member and we discussed it, what was said, so that we would have a thorough understanding of it. It was taken up at the following unit meeting and we proceeded to follow those lines in the union. We discouraged the union from moving CIO as a local union, and a few weeks later a split came in the entire International and the greater part of it moved over to the CIO. [393]

Q. You mean you proceeded to follow what the Alien here had told you to do at that meeting?

A. Yes, that was the program that was followed.

Q. And you followed that as a member of the Communist Party?

A. Yes, we did.

Q. Were you bound, as a member of the Communist Party, to do what the Alien here told you to do at that meeting?

A. Yes, incidentally we were; that became the program that we followed.

Q. Well, why. Who told you that? Who told you to do that?

A. Lou Baron told us very definitely that that

(Testimony of Ezra Chase.)

would be it, that the line would be laid down at that meeting.

Q. That that would be the line?

A. And that became the line.

Q. Was there any deviation, or could you deviate, if you wanted to, from the line that this Alien stated at that meeting?

A. Well, you can't—when the Party lays down a line their discipline is very rigid, you can't deviate from it to any serious extent without being called in on it.

Mr. Gladstein: The answer is not responsive. I would like to have the question read.

Presiding Inspector: Read the question. [394]

(The question referred to was read by the reporter.)

Presiding Inspector: Now, that is two questions. First, was there any deviation, and second, could you deviate?

The Witness: Well, I want to answer that question again.

We were told very plainly by Lou Baron that the line would be put down which was to guide our future activity in going CIO at this meeting addressed by Harry Bridges.

By Mr. Del Guercio:

Q. There is no question about that?

A. There was no question about it. And the three of us, who were Party members, that were instructed to attend that meeting, were warned

(Testimony of Ezra Chase.)

over the telephone that failure to attend that meeting would be followed by disciplinary action on the part of the Party.

Q. Who told you that?

A. Lou Baron.

Q. Would be followed by disciplinary action by whom?

A. By the Communist Party, by the Control Committee.

Q. And you did follow the line set forth by the Alien?

A. Yes, we followed that. I didn't follow it exactly.

Q. What?

A. I didn't follow it exactly.

Q. What do you mean by that?

A. I had a break with them a day or two after that. [395]

Q. You had a break with whom?

A. With the Communist Party, a few months after that, rather.

Mr. Gladstein: Well, when was it, Mr. Chase?

Mr. Del Guercio: Just a minute. I think I still have the witness.

Presiding Inspector: Yes, but we will find out when it was.

The Witness: I broke with the party—it was about two months after.

By Mr. Del Guercio:

Q. About two months after that?

A. Yes, sir.

(Testimony of Ezra Chase.)

Q. Well, now, when you said then, that you didn't follow what Harry Bridges had laid down—

A. (Interposing) Well, in the meantime I had decided that I was not going to go CIO.

Q. And you then broke with the Communist Party?

A. It led to the break.

Q. It led to the break?

A. Yes, sir.

Q. And when did you quit the Communist Party?

A. I quit the Communist Party in December of 1937.

Q. Did you quit of your own volition?

A. I quit of my own accord; I denounced them in an open [396] meeting.

Q. You denounced whom in open meeting?

A. The Communist Party.

Q. That was where?

A. That was held at the trade union headquarters at 546½ South Spring Street in Los Angeles.

Q. And when was that?

A. (No answer.)

Presiding Inspector: I think we will stop here at this point.

(Whereupon, at 4:10 P.M., an adjournment was taken to April 3, 1941, at 10:00 A.M.)

[397]

Court Room 276,  
Federal Building,  
San Francisco, California,

April 3, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[398]

### PROCEEDINGS

Presiding, Inspector: We will proceed with the hearing.

Mr. Del Guercio: Take the stand, Mr. Chase.

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### EZRA CHASE

called on behalf of the Government, having been previously duly sworn, testified further as follows:

#### Direct Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. Chase, I believe you testified yesterday that you broke with the Communist Party because of its policies in connection with Trade Union matters; is that correct?

A. In part, yes, sir. I had reached a point where I didn't want no revolution under the leadership of the Communist Party as well.

Q. That was shortly after the Alien here had laid down the Party line, the Communist Party line, that you were to follow in trade unions?

Mr. Gladstein: I object to that very leading and suggestive question. We —



(Testimony of Ezra Chase.)

Mr. Del Guercio: (Interposing) I—

Mr. Gladstein: (Continuing) —Just a moment, Mr. Del Guercio, you haven't yet allowed counsel to make an objection.

Mr. Del Guercio: All right. [399]

Mr. Gladstein: We have not interrupted questioning of the witness, Gitlow, because, as we stated yesterday, we were not interested in that character of testimony. Now, as to the testimony of the character being sought to be elicited from Mr. Chase we think that ordinary fairness and the usual rules of evidence should apply to the extent that Mr. Del Guercio should not place leading questions in the mouth of the witness, but should simply ask him for his testimony.

Presiding Inspector: I suppose, as a general rule, that is so. I think the witness has pretty well covered the matter that you asked about.

Mr. Del Guercio: I think he has. I will withdraw that question.

By Mr. Del Guercio:

Q. When did you disassociate yourself from the Communist activities?

A. In December of 1937.

Q. And have you been connected with the Communist Party since that time?

A. Not in any way.

Q. Have you ever been arrested, Mr. Chase?

A. Yes, I have been arrested a number of times, possibly nine or ten times.

Q. When?

(Testimony of Ezra Chase.)

A. During the years that I was active in the Communist [400] movement.

Q. And what was the occasion for your arrests?

A. I was arrested at a Communist Party Section Convention in Long Beach in the early part of 1932.

Q. Is that the first time?

A. That was my first arrest. I was next arrested—

Q. (Interposing) What was the result of that arrest?

A. I was released without prosecution. The next arrest was when William Z. Foster was campaigning for President. I was arrested along with William Z. Foster.

Q. You were arrested the second time—I didn't get the last part.

A. The second arrest was when William Z. Foster was campaigning for President. I was one of the speakers on the same program and the driver of the car; we were arrested at the Plaza in Los Angeles.

Q. What were you charged with?

A. Charged with suspicion of criminal syndicalism.

Q. What was the outcome of that arrest?

A. Released without prosecution.

Q. That is the William Z. Foster who was candidate at the time for President on the Communist ticket?

A. Yes, sir.

(Testimony of Ezra Chase.)

Q. When was your next arrest?

A. I was arrested in a riot in the County Charities [401] offices, in Los Angeles.

Q. What kind of a riot was that?

A. It was a riot of unemployed.

Q. Sponsored by whom?

A. It was sponsored by the Unemployed Councils.

Q. The Unemployed Council with which you have testified that you were connected?

A. That is correct.

Q. And that was the organization that was formed by the Communist Party?

A. Yes, sir.

Q. And what was the outcome of that arrest?

A. I was charged with 15 counts of battery and assault, and one count of inciting to riot. The outcome of the trial was an acquittal on the rioting charges and a hung jury on six or seven counts of the battery and assault, and the other counts are still standing with the case off calendar.

Q. Were you arrested at any other time?

A. I was arrested again at a street meeting at 43rd and Central and released without charges.

Q. Where was that?

A. In Los Angeles.

Q. And what was the occasion for that arrest?

A. It was an election campaign meeting conducted by the Communist Party. [402]

Q. Were you arrested at any other time?

A. I was arrested while conducting a meeting

(Testimony of Ezra Chase.)

of the Workers Ex-Service Men's League in a hall in the Phillips Building at 224 South Spring in Los Angeles.

Q. And what were you charged with?

A. Suspicion of criminal syndicalism.

Q. What was the outcome of that arrest?

A. That was a release without prosecution.

Q. Any other arrests?

A. I was arrested and convicted on two counts, one of theft of illuminating gas, one of theft of electricity. The case grew out of the actions that were being taken by the Unemployed Councils and by the Unemployed Co-operative Relief on the opening of meters when the service had been discontinued for inability to pay for it. Those meters were opened, great numbers of them were opened. I was arrested and tried on that charge, and convicted, and served a sentence in the Los Angeles County jail.

Q. And under whose directions were you acting at the time you opened these meters?

A. Under the directions of the Communist Party.

Q. Any particular person in the Communist Party?

A. Ida Rothstein and Lawrence Ross.

Q. Why were you given such directions by Ida Rothstein?

A. It was the purpose of the Unemployed Council to [403] furnish resistance to any attacks that

(Testimony of Ezra Chase.)

were allegedly made on the unemployed. Their program was one of demanding a greater amount of relief and demanding that the utilities, things of that sort, be furnished to the unemployed. [404]

Q. Did you steal the electricity for your own personal use?

A. It was turned on in my house. I didn't turn it on. But it was turned on there and that was the evidence that was used in my conviction.

Q. And that was when?

A. I believe that was in '32 or '33.

Q. Have you had any other arrests?

A. Let me think—there were some others.

Q. What?

A. There were some others,—Let me think—I cannot think of any others at this time.

Q. What is your present occupation, Mr. Chase?

A. I am engaged in structural pest control work.

● Q. Structural pest control work?

A. Amusing as it may seem—termite extermination.

Q. Mr. Chase, can a Communist be a good labor man?

Mr. Gladstein: May I have the question?

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I think that calls for the conclusion and opinion of the witness.

Mr. Del Guercio: I will withdraw the question. You may cross examine.

(Testimony of Ezra Chase.)

Presiding Inspector: You have the witness, Mr. Gladstein. [405]

Mr. Grossman: We wish to ask at this time that we be given a reasonable time to check up on the direct examination of this witness before we are compelled to put on our cross examination. The reasons are: As your Honor knows, in our discussion with reference to our motion for particulars as to the nature of the charge, and the evidence to support it, and the names of witnesses, we stated it was impossible for us to prepare against the entire country and against every possible witness without notice.

Your Honor stated that, in so far as unfairness was developed, or created by reason of this that something would be done to take care of it.

Very frankly, here is the problem: We do not come here and state that we have not done all we can to prepare. This trunk in back of me (indicating) is an indication that we have prepared generally as well as we can. But that does not mean we have prepared specifically against this witness. About the best we can do is to prepare against all anti-labor stool pigeons, or police spy men, who came in contact with Harry Bridges throughout the various places in this country that he has gone, which is not a specific preparation.

With reference to Mr. Chase now, Mr. Chase comes from Los Angeles. Immediately after the end of the hearing yesterday we did our best to



(Testimony of Ezra Chase.)

establish communication with Los Angeles for the purpose of checking his story. [406]

It is quite obvious that we have not yet been able to obtain the results of that check.

~~Tomorrow is the~~ last day of the hearing until a week from Monday. We will perhaps be equally unprepared, because of the difficulty of getting this material by tomorrow, for tomorrow's hearing.

Therefore, what we think is a reasonable request is that we be given until the next hearing day after tomorrow in order to cross examine Mr. Chase. Not being given that time we state very clearly and frankly if we have to cross examine Mr. Chase without any opportunity to check or verify his story, or Mr. Chase, before the cross examination, is, in effect, denying us the right of cross examination. Obviously, cross examination doesn't consist merely of asking him to repeat his story, but consists of examining him on the basis of information which we obtain indicating his story is false which is, of course, not limited to what he gives us from the stand.

Therefore, we make the request that we be given until the first hearing day after tomorrow, for the cross examination of Mr. Chase.

Presiding Inspector: You can go on to some extent, can't you, today, with this witness? You may not finish.

Mr. Grossman: That is a very practical question and I will give you a very practical answer.

(Testimony of Ezra Chase.)

We have certain suspicions about Mr. Chase. We have—— [407]

Mr. Del Guercio: (Interposing) I think these remarks are out of order and——

Presiding Inspector: I will hear them. Go ahead. These are remarks from counsel and not evidence.

Mr. Grossman: We would be misleading your Honor if we stated we didn't have some suspicion of some idea of where to go as to what we would find. To compel us, however, to examine Mr. Chase on the basis of these unverified stories, on the basis of merely our suspicion, instead of documents, instead of concrete information, is to put us at this disadvantage: We will be unable to force Mr. Chase to state positively what we want him to state under oath; and we have the right to see if Mr. Chase will tell the truth with respect to information that we have here when we have made the check. Otherwise, as I say, what we are compelled to do is to give Mr. Chase advance information of our suspicions without being able to see whether he will tell the truth on other lines of inquiry.

Frankly, we could go ahead on our suspicions but not on the basis of actual information yet. We think it is unfair to require us to go ahead at this time on that basis.

Mr. Goodwin: May it please your Honor, do I understand that it is proper practice on the examination of a witness, when he is turned over to the defense or to the other side for cross examina-

(Testimony of Ezra Chase.)

tion, to suspend until there can be an investigation in regard to the witness? I never heard of such a [408] practice. If the witness has made untruthful statements certainly that can be brought out by rebuttal testimony. But I have never yet heard of the suspension of cross examination in order to investigate the witness himself.

We want to give all possible latitude, but if that practice is adopted in this case I don't know but what we might as well decide to live here more or less indefinitely.

Presiding Inspector: I have made that decision already.

Mr. Grossman: I could agree with Mr. Goodwin with respect to his statement that he does not understand that to be proper practice, but the reason that Mr. Goodwin has not heard of the procedure that we are requesting is that in most jurisdictions we are aware of, if not all, the person charged with a crime, or even a person in a civil suit is given notice. In California, a man charged with a criminal offense is entitled to the transcript of the Grand Jury proceedings at which he was indicted, or to the transcript of the proceedings in a preliminary hearing, which gives him the evidence, as well as the names of the witnesses. It is my understanding—

Presiding Inspector: That is not the rule in New York at any rate.

Mr. Grossman: It is a general rule here.

(Testimony of Ezra Chase.)

Presiding Inspector: The names of witnesses sworn before the Grand Jury are given.

Mr. Grossman: We haven't had that done, of course, and [409] that is the reason we are making this request and that is why Mr. Goodwin hasn't heard of this request generally being made before.

Mr. Goodwin: Counsel knows this is not a criminal proceeding; that it is an ordinary administrative proceeding. Every step is being taken to protect the rights of the Alien here by the Court. I do not see that there is anything analogous to a criminal hearing in the case at all.

Mrs. King: If your Honor please, I am not familiar with criminal proceedings, but in Immigration proceedings I do know that until fairly recently the names of witnesses, in fact, the entire evidence on which the Government proceeded was given to the attorney for the Alien. This is sometimes still done, but it has not been a rule of the Immigration Service for some years, although it was formerly such a rule.

However, in the ordinary case what happens is you have a hearing, then there is another hearing, perhaps in three or four weeks, and during that interval you, of course, have plenty of time to make your investigation.

But here we have a continuous hearing for days on end which, as you know, is extraordinary, and it seems to us that in such a situation we should have time between the calling of the witness and his cross examination, and most especially because

(Testimony of Ezra Chase.)

the Government would not reveal its evidence, or the names of witnesses, we feel that we are entitled to make the [410] investigation and to have time to make a proper investigation so that the true facts may be before your Honor.

Presiding Inspector: Do you think that tomorrow morning you will be able to go ahead, don't you, with this witness, on cross examination?

Mrs. King: I think we could really be well prepared if we had longer.

Presiding Inspector: I think we will allow you to suspend the cross examination until tomorrow morning.

Mrs. King: Thank you.

Presiding Inspector: You may be excused, but you be here tomorrow morning.

Call your next witness.

Mr. Del Guercio: I object to that procedure, your Honor.

Presiding Inspector: Enter the objection on the record.

We will have the witness here tomorrow morning.

(Witness temporarily excused.) [411]

Presiding Inspector: In Washington, when you weren't present, Mr. Del Guercio, a motion was made by Mrs. King for the names of the witnesses. This motion I denied. But I assured Mrs. King at that time that she would be given an opportunity to make an examination whenever I thought it was necessary, and it is in the line of that ruling then, to

which no objection was made, that I make this postponement until tomorrow morning.

Mr. Goodwin: I assume, your Honor, that the same indulgence will be extended to us with reference to the defense?

Presiding Inspector: Certainly, certainly; certainly it will.

Call the next witness.

Mr. Del Guercio: The next witness is being called, your Honor.

I might state, your Honor, that this puts the Government at a disadvantage here. We are acting in good faith here; we are producing our witnesses in Court here. They are giving their testimony on the stand, and counsel have ample opportunity to cross examine them. Certainly this hearing is not going to deteriorate into an acquisition here to permit counsel to go on a fishing expedition without anything to go on. They say they have some suspicion here; I question that challenge very much. They have no suspicions at all of this witness. There is nothing to indicate that this witness [412] is not telling the truth on the stand, and they have no right to make such statements here.

Presiding Inspector: That doesn't impress me, either your statement or theirs. Call the next witness.

Mr. Myron: Mr. Schnering.

May the witness be sworn?

Presiding Inspector: Stand up and raise your right hand.



## FARRELL SCHNERING

a witness called by and on behalf of the Government, being first duly sworn, testified as follows:

## Direct Examination

By Mr. Myron:

Q. What is your full name?

A. Farrell Schnering.

Q. Where do you live?

A. I live in Milwaukee, Wisconsin.

Mr. Grossman: May we have the full name?

The Witness: Farrell Schnering, F-a-r-r-e-l-l  
S-c-h-n-e-r-i-n-g.

By Mr. Myron:

Q. What is your address in Milwaukee?

A. 1247 North 11th Street.

Q. Are you a member of the Communist Party?

A. Presently, no.

Q. Have you ever been a member of the Communist Party? [413]

A. Yes, sir.

Q. When did you become a member of the Communist Party?

A. I first became a member of the Communist Party in January, 1929. I remained a party member until about the month of May, 1930 and then I just dropped away from the party but remained—

Q. (Interposing): Now, before we get to that, when did you become interested in the Communist Party movement?

A. About 1927.

Q. Will you tell us the circumstances, that is, from that time leading right up to your membership?

(Testimony of Farrell Schnering.)

A. You mean leading from the time of my interest?

Q. When you first became interested in the Communist Party until the time of your membership?

A. Well, I first became interested in the Marxist movement—I wish to put it that way—when I was about 16 years old. My father was a self-styled Social Democrat and he had substantially more than just an academic interest in Marxism, and he had a good library, a rather extensive Marxist library. I then did considerable reading of Marxian literature, but I didn't feel that my interest in Marxism went beyond, at that time, just an academic interest.

By 1926 or '27 I had met a few members of the Communist Party and other people who called themselves Communists. Now, it is a fact that my father had been inclined to sympathize with those people who had split the Socialist Party in this country in 1919 and wanted to go along in support of the Russian revolution. But after I met some people who had been associated with the party in 1927 I became more vitally interested in the movement, and from time to time I was able to acquire certain party literature, pamphlets, and things of that sort on occasions.

Q. Did any members of the Communist Party influence you to join?

A. Did what?

Q. Did any of the members of the Communist Party influence your decision to join?

A. In a sense, yes, but my mind was pretty well made up before I actually came into the party as

(Testimony of Farrell Schnering.)

a result of a rather long standing interest in the movement.

Q. Did you talk to anyone just prior to joining, that might have influenced you at that time to join?

A. Well, they influenced me in the sense that they hurried me into making my decision. That is the reason—

Q. (Interposing): Who were "they"?

A. Principally a fellow by the name of Fred Bassett Blair, another fellow by the name of Norman Saader.

Q. Where were you living at this time?

A. When I first became interested in the party I was, during this period I spoke of—my father being a Social Democrat—I was living in Madison and I became further in- [415] terested in the party and began to read actual party publications in 1927, as I stated previously. At that time I was living in the City of Milwaukee.

Q. You say you joined in January of 1930?

A. Yes, sir.

Q. Did you receive a membership book at that time? A. I did.

Q. And were you given any instructions at the time you received your membership book as to how you should keep it and what you should do with it?

A. Party members were given to understand that a membership book is something they should guard very carefully, that it is not advisable to carry the membership book upon your person, that

(Testimony of Farrell Schnering.)

it is not advisable to allow non-party people to see your membership book, and the membership book is something that is the personal property of the party member, and is not to be displayed promiscuously.

Q. And those instructions were given to you when you joined the party? A. Yes, sir.

Q. Now, you were not very active in the party at that time immediately after or subsequent to your joining the party in January of '30?

A. That is right.

Q. And sometime subsequent to that time, January '30, [416] you became interested in some of the movements, Communist Party movements?

A. Yes, I became interested in the International Labor Defense, which at that time, was one of the leading Innocence Clubs for the party.

Q. When was that?

A. Well, that was in 1930, after I had joined the party.

Q. And, of course, you were closely associated with the members, and leaders of the Communist Party in Milwaukee at that time?

A. That is right. Milwaukee, at that time, was a Section of District Eight. That is a Section of the Chicago District of the Communist Party.

Q. And having joined the party in January '30 you had their confidence and trust?

A. Oh, yes.

Q. And you then became a member of the ILD?

A. Yes, sir.

(Testimony of Farrell Schnering.)

Q. What is the ILD?

A. Well, the International Labor Defense might be described as a civil liberties organization of the Communist Party. The program of the International Labor Defense was to defend workers, who, from time to time, might be arrested as a result of their activities in the labor movement, or activities on any issue regarding civil liberties, the rights of [417] nationality and racial minorities, et cetera, and the International Labor Defense would undertake to supply them with counsel, as well as to prepare a—that is, they would supply them with counsel and then prepare a mass defense.

The International Labor Defense instructed all people that there was no hope for justice in the class courts, as they are defined by the International Labor Defense and the Communist Party.

Q. Now, what was the relation of the ILD to the Communist Party?

A. Well, it worked out like this: workers presumably joined the International Labor Defense because they understood the nature of capitalistic justice. In understanding the nature of capitalistic justice, from that they understood that it was necessary to associate themselves to struggle militantly for the defense of workers who were victimized by capitalism.

Now, during this process of struggle, according to the reasoning of the International Labor Defense, during this process of the struggle against Capitalists' injustice the workers became more

(Testimony of Farrell Schnering.)

aware of the nature of capitalism, and through the struggle for the defense workers, of course, they came to understand the mass power of the workers. And the next stepping stone from this, of course, was membership in the Communist Party. So that the International Labor Defense, on the basis of its mass contacts with workers, on the [418] question of defense was able to reach workers and recruit them to the Communist Party, but the responsibility for this recruitment lay with the party Fraction within the International Labor Defense.

Q. And the ILD was organized and controlled and dominated by the Communist Party?

A. Yes, sir.

Mr. Gladstein: Your Honor, we object to that kind of question on the ground it is compound and leading.

Mr. Myron: Now, that isn't leading.

Presiding Inspector: Of course, we have already had a good deal of testimony on that.

Mr. Gladstein: So we have, your Honor, but questions of this character which call for answers to three different points and which are leading should not be—

Presiding Inspector: Separate the question.

By Mr. Myron:

Q. You were a member of the ILD, the District Unit of the ILD at Milwaukee; is that true?

A. Yes. I was first Assistant Secretary, and then I became the State Secretary of the Interna-



(Testimony of Farrell Schnering.)

tional Labor Defense in Wisconsin. Then, I became a member of the National Committee of the International Labor Defense.

Q. Now, were you a member of the Communist Party? A. Oh, yes. [419].

Q. And was it through the influence of the Communist Party that you obtained the official position of the ILD?

A. I was assigned to this job by the Communist Party.

Q. For what purpose?

A. To run the organization in the State of Wisconsin, to perpetuate myself in office as long as the party wished me to hold that position, and to assure that at all times the state organization of the International Labor Defense, through the District Committee, would remain committed to the policies of the Communist Party.

Q. Now, your last answer states the policy of the Communist Party in regard to your position in the ILD; is that right? A. That is right.

Q. That is the party policy that you have just given us?

A. That is the party policy as regards the ILD or any other Innocence Club that I ever had anything to do with.

Q. And is the basis for your previous answer that the ILD is controlled and dominated and organized by the Communist Party, is that true?

A. That is right.

(Testimony of Farrell Schnering.)

Q. Now, you said you were Secretary of the  
ILD? A. State Secretary, yes.

Q. And you told us that the purposes of that  
organiza- [420] tion were to defend, or provide for  
the defense of party members, Communist Party  
members?

A. Of any worker, Communist Party members,  
or any other person who was arrested as a result  
of participation in the labor movement, or taking  
part in any struggle that had to do with civil lib-  
erties, or the right of nationality and racial minori-  
ties.

Q. Now, what steps would be taken by the Com-  
munist Party in directing the actions of the ILD  
in that respect when a member was arrested or  
under charges, placed under charges?

A. Well, the first thing that the International  
Labor Defense would do would be to try to get this  
man or woman, this person out of jail on bail, en-  
gage counsel for him, and then we would begin to  
prepare a case.

Now, we always took this position: The attorneys  
do not try these cases. We try the case and the  
attorney is only a mouthpiece, in the strict sense of  
the word. We would only choose those attorneys  
wherever it was possible, of course, who would agree  
to pursue a class struggle policy in a court room,  
that is, we said the court room, to us, represents  
only a forum in which we will unmask the nature of  
capitalist justice.

(Testimony of Farrell Schnering.)

Q. Then, it was the usual policy of the ILD, being a part of the Communist Party, to hire attorneys to represent [421] the members of the party and defend them in courts?

A. Yes, and wherever possible we chose attorneys who were at least sympathetic with the program of the party.

Q. Of course, the usual policy is to let the defendant take care of his own case, isn't it?

A. Whenever he is able to do that.

Q. It is only when it is a very important issue the ILD will come in on behalf of the Communist Party and represent the men under—

A. (Interposing): The ILD always came in on its own behalf as the International Labor Defense.

Q. Now, are you familiar with the policy of the Communist Party in regard to testimony which a party member might give in court or might be required to give in court? A. Oh, yes.

Q. What is the policy of the Communist Party in that respect? What do they advise?

A. Well, you see, as far as the Communist Party is concerned, from the Marxist point of view all truth is relative. We did not hesitate to send out instruction witnesses to court, instructed in the sense that we would sit down before a trial opened and make a case as best we could. There was no compunction about lying at all. That is, from time to time there were many cases—I think that I could recall instances [422] in which 50 or 60 witnesses knew many hours before they came to court that

(Testimony of Farrell Schniering.)

they were going there to lie. For example, John Jones might have been accused of striking a policeman at a demonstration. We would produce witnesses who would swear that John Jones was seen by them 60 feet away from the policeman at the time that he was struck.

Q. Then, it is the policy of the Communist Party, as you have just stated, to make false statements under oath? A. Oh, yes.

Q. If it is for the best interests of the party?

A. Truth is no issue as far as a Marxist, Communist or Bolshevik, whichever you wish to call him, is concerned; truth is scoffed at.

Q. That is what the Communist Party teaches and advocates? A. That is right.

Q. Among its membership?

A. Yes. Lenin says a bourgeoisie truth presupposes a lie. All the Bolsheviks are liars. Truth is a bourgeoisie quality with which all good Bolsheviks may easily dispense.

Q. Now, along those lines are they also requested to conceal their identity on certain occasions?

A. Not only requested but advised and instructed to conceal their identity.

Q. And when it is for the interests of the party they [423] are told to deny that they are members of the Communist Party? A. Oh, yes.

Q. Now, as a member of the, or as an officer of the ILD did you have occasion to attend any of the party conventions and meetings? A. Oh, yes.

(Testimony of Farrell Schnering.)

Presiding Inspector: You mean the Communist Party Conventions?

Mr. Myron: These are the conventions of the ILD, your Honor.

Presiding Inspector: Yes.

By Mr. Myron:

Q. Is that true?

A. I attended conventions of the International Labor Defense whenever they were held.

Q. Now, did you attend a convention some time in May or June of 1932 at Chicago? A. Yes.

Q. A national nominating convention?

A. Yes, sir, in the month of May, 1932, I attended the national nominating convention of the Communist Party.

Q. Who asked you to attend that convention?

A. Well, I was a party delegate. I was a delegate from the Milwaukee organization of the party.

Q. And that was at Chicago?

A. Yes, in the Peoples Auditorium. [424]

Q. Do you remember any of the important issues that were discussed at that convention?

A. Oh, yes.

Q. Could you describe some of them?

A. Well, the most important business of the convention was to nominate presidential and vice-presidential candidates. William Z. Foster and James Ford were nominated presidential and vice-presidential candidates.

Q. Now, this was the ILD convention?

(Testimony of Farrell Schnering.)

A. No; no; this was the nominating convention of the Communist party.

Q. I see.

A. The International Labor Defense, however, sent delegates to that convention.

Q. And you represented the ILD at that convention, is that right?

A. No; I was representing the Milwaukee Section of the Communist Party.

Q. All right, go on.

A. Well, an issue discussed at the convention was described as the revolutionary upsurge of the masses in 1932, and there were sundry speeches by leading figures in the party.

Earl Browder, in his opening address to the convention at the session in the Peoples Auditorium was of the opinion that the revolution was probably rather imminent, and they discussed how best the American working class could be organized and [425] mobilized for struggles for power, Soviet power. The solutions to the problems of the American workers were said to be bound up with the problem of building a Soviet America. [425-a]

Q. Were you an official of the Communist Party at that time?

A. I was just a member of the Communist Party at that time, assigned to active work in the International Labor Defense.

Q. Now, did you attend any convention of the ILD during your membership?

A. Oh, yes.



(Testimony of Farrell Schnering.)

Q. Did you attend a convention in October of 1932 in Cleveland of—

A. (Interposing): Yes. That was the national convention of the International Labor Defense.

Q. And what was discussed, or what was the purpose of that convention?

A. The purpose of that convention was to discuss the problems of the International Labor Defense, how the ILD could best mobilize the American Workers for their own defense.

The Scottsboro Case was one of the central issues before the convention.

Also the problem of the release of Tom Mooney and others in a similar position.

Q. During that convention did you have occasion to attend any meetings of the Communist Party?

A. Yes. At conventions of the International Labor Defense, or at conventions of any other front organization that [426] I ever attended, the Party always holds Fraction meetings.

The procedure usually is this: We held a Fraction meeting the night before the opening of the convention in order to advise the Party members what would be expected from them the next day on the floor of the convention.)

Each evening of the 1932 convention of the International Labor Defense we held Fraction meetings in order that we might evaluate the experiences of the day and plan our line for the coming day.

(Testimony of Farrell Schnering.)

Q. And that was the policy of the Communist Party?

A. That is the policy of the Party. The Party must, of necessity, pursue such a policy. How else would it manage to run these conventions?

Q. Now, did you ever meet a representative of the Soviet Union?

A. At the 1932 Convention—

Q. (Interposing): Meaning the convention—

A. (Continuing): —the convention I am now discussing—I met a representative of the International Red Aid, which was the parent body of the International Labor Defense.

The circumstances under which I saw this man and heard this man are these: Prior to the convention, the national convention of the I.L.D. in the month of October, 1932, I would say about six months prior to the convention, we began—by “we” I mean the International Labor Defense—we began an [427] effort to organize youth branches of the International Labor Defense.

Now, the Communist Party and the International Labor Defense were of the opinion that the young workers ought to be organized to defend young workers and others against capitalistic injustice.

This was a rather trying problem to organize these young people, but we had found that we had to have a youth movement.

So I finally persuaded a young woman in Milwaukee to take on the task of building youth branches

(Testimony of Farrell Schnering.)

of the International Labor Defense. We spent quite a lot of time and quite a sum of money on this task.

By the time the convention of the International Labor Defense which I have mentioned previously, convened in Cleveland, on my way to Cleveland, I felt I would be able to report some progress by reason of the fact that in our district we had built two good youth branches in the city of Milwaukee, there being about 75 young people organized in both of those branches.

But at Cleveland we learned that the International Red Aid had frowned upon organizing separate youth branches of the ILD.

Now, it seems that over in Philadelphia, where they had had some experiences with youth branches, the results had been somewhat disastrous for class conscious workers. The young [428] people became more interested in playing baseball than in projecting the class struggle, and it reached the point where the boy's ability to play baseball might be the first consideration, rather than his integrity as a class conscious young worker. Of course, the Communist Party deplored this situation.

I understand that there had been some trouble in Germany as well.

In any case, the International Red Aid advised that it would no longer be the policy of its American Section, that is, the International Labor Defense, to organize the youth separately, but rather we

(Testimony of Farrell Schnering.)

would bring the older workers and the young workers into the same branch.

Q. From whom did you learn this?

A. I learned this from the Organization Commission of the Central Committee of the Communist Party.

Q. Who was that? A. What?

Q. Who was that? A. I don't understand.

Q. Who held that position?

A. Well, it was held by a group of men.

Q. Well, did any one of the men speak to you and tell you that?

A. I received a letter from Lawrence Emery, I received a letter from Frank Spector, I received a letter from William [429] L. Patterson.

Q. What was their position in the Party?

A. The position of all these men was that they were speaking as a part of the national Fraction of the Party; that the Organization Commission of the Central Committee of the Communist Party had advised them that henceforth the policy of the ILD might not be to pursue the policy of organizing youth branches. This was not a final decision, however, until we got to Cleveland.

At Cleveland, however, on the second night or the second day of the convention, we held a Fraction meeting and William L. Patterson, also a member of the Communist Party, or he wouldn't have been at the Fraction meeting, told us that because of the wishes of the IRA, and because of the wishes of

(Testimony of Farrell Schnering.)

the Central Committee of the Communist Party of the United States, and because of the experiences thus far in organizing youth branches, we would terminate that policy, liquidate the youth branches, and bring the young people into the same branches with the older people.

There were some of us who were inclined to look askance on the feasibility of pursuing that policy, because we felt it was quite impossible to bring young workers, let us say, 18 or 19 years of age, some only 16 years of age, into a branch made up of grandfathers and grandmothers, in any case mothers and fathers. We didn't see how we could do that. [430] Those of us who had obtained a measurable success in organizing these youth branches had done so at the expense of considerable work. We felt that the International Red Aid had erred in declaring this new policy; that the Central Committee of the Communist Party had erred in supporting that policy. With us it was not a matter of just opposition to a decision for the sake of that, but rather we were seeking to clarify what was an important issue.

Those of us who opposed the liquidation of the youth branches spoke to that effect that night. I think I talked about two hours, if I remember rightly.

Finally, myself and a comrade from Buffalo, continued to hold out in opposition to the idea of liquidating the youth branches.

Well, at that time it was getting late—it was

(Testimony of Farrell Schnering.)

about half past one in the morning—and we were already tired. Patterson got up and said, “Now, Comrades, all of us know, first of all, that it is not permissible for those of us who belong to the Party to oppose decisions made by the leading committees of the Party.” He pointed out to us “Here the Central Committee has ruled. It has ruled on the basis of the decision of the IRA and, therefore, there is no point in us sitting here until morning fighting a decision that is binding upon all of us.”

At this point he said he wanted to introduce another [431] Comrade, and he introduced a Comrade who represented the IRA. Now, he didn't introduce this Comrade by name, because that is not the policy of the Party to do so.

Q. Did he say he was representative of the IRA?

A. He said he was a Comrade from Moscow who represented the IRA.

The Comrade from the IRA told us: “Here, now, this has gone far enough.” He told us, pointed out to us, once again that the decisions of the parent body were final and binding upon the American Section. He said, “However, in view of the fact that this may create so much confusion, as some of the Comrades have pointed out, we can make a compromise and permit you three months' time in which to bring about the liquidation of the youth branches. But the IRA has ruled and you will do as you are told to or you will get out.”

Q. You took part in the forming of this youth



(Testimony of Farrell Schnering.)

movement in Milwaukee, did you not, previous to this convention?

A. Previous to this time I had given directions to the young lady who actually organized the youth branches.

Q. Had you built up some sort of an organization?

A. Yes. I had about 75 young people organized into two youth branches of the International Labor Defense.

Q. In view of the decision of the IRA representative and the Committee, what did you do?

A. After I got back to Milwaukee?

Q. Yes? [432]

A. After I got back to Milwaukee we began to explain to these young people that a new policy was going to be pursued; that is, we said that the American working class, to defend itself against Capitalistic injustices, must display the unity and solidarity of the masses and, therefore, it will not do to have the young people and the older people divided, but to make this unity and solidarity more clear in the face of the workers, we are going to put you in one branch.

Q. This, again, was the policy and teachings and advocacies of the Communist Party?

A. Right.

Q. And you were using that at that time to carry out the orders of the IRA delegates?

A. These are the dialectics of the revolution at work in the International Labor Defense.

(Testimony of Farrell Schnering.)

Q. And you did liquidate that youth movement, or youth clubs? A. Oh, yes.

Q. Does the Communist Party have schools of expression?

A. Will you repeat the question?

Q. Do they have public speaking classes or schools of expression?

A. Yes. The Communist Party organizes workers' schools, to all intents and purposes non-political organizations, interested only in the education of the masses. [433]

Q. Are you familiar with any of these schools that were organized and run by the Communist Party?

A. I was one of the directors and one of the teachers in the Milwaukee Workers' School, which we organized in 1934.

Q. One of the what?—Directors?

A. One of the Directors and one of the teachers.

Q. What subjects did you teach?

A. I have taught, at various times in the Milwaukee Workers' School, public speaking, parliamentary law, American Labor History, Marxism and Leninism.

Q. What was the purpose of these schools?

A. The purpose of these schools was to educate as many workers as possible to the Communist Party line without their knowing it.

Q. Well, were they all members of the Communist Party? A. Decidedly not.

Q. They were not?

(Testimony of Farrell Schnering.)

A. No. Any worker was eligible to come to the school. In fact, we would go just as far out of our way to get a non-Communist as we would to persuade a Party member to come in.

Q. Of course, it was the policy of the Party, through its instructors, to influence the students of the school to follow Communist Party policies?

A. Yes. The school is also a recruiting agency for the Communist Party. [434]

Q. You mentioned the IRA. What is the IRA?

A. The International Red Aid is the parent body of the American Section of the International Labor Defense. That is the International organization.

In Germany it was called the International Red Aid.

In this country it was called the International Labor Defense.

Q. Where is its principal office?

A. Moscow.

Q. Who controls the IRA?

A. The Communist International.

Q. And how did you describe the relationship of the ILD to the IRA?

A. The International Red Aid at Moscow is the parent organization of the International Labor Defense; that is, the International Labor Defense in this country is the same section of the International Red Aid. Now, the International Red Aid maintained a presidium, a presiding committee, which is in session the year round in Moscow. This

(Testimony of Farrell Schnering.)

presiding committee was made up of the representatives of the various sections of the International Red Aid; that is, the German Section, the American Section, the French Section, and from every country where a section of the International Red Aid existed they sent a delegate to Moscow to sit on the presiding committee and deal with the world problems of the International Red Aid [435] and advise various sections of the IRA on tactical lines and so forth.

Presiding Inspector: We will take a short recess.

(Whereupon a short recess was taken.)

Presiding Inspector: Anything further?

My Myron: Yes.

Presiding Inspector: Go ahead.

By Mr. Myron:

Q. In connection with your position in these schools that you referred to where you were an instructor, would you tell us just what was taught by you?

A. You mean specifically what I taught?

Q. Yes.

A. Taught my pupils in the Workers' School?

Q. Right. What subjects, first, and then we can probably go into a discussion of the subject matter.

A. Well, I taught American Labor History. That was one thing I taught. The book that we used was Anthony Birba's History of the American Working Class.

Q. In lecturing on these subjects did you advise,

(Testimony of Farrell Schnering.)

teach the pupils what should be done in labor groups, labor organizations?

A. Oh, yes. As a teacher of American Labor History I pointed out the reformist character of the American Labor movement; that the mis-leaders of labor, as we called them, [436] had committed the American Labor movement to a policy of class collaboration; that is, these men had been so deliberately treacherous that they had given the members of the American Labor movement every reason to feel that something could be gained by class collaboration; that is, that it was possible for the workers and employers to sit down at a table and bargain collectively in an amicable fashion and that that would result in benefits for the worker. We taught our students that this was the most dangerous pitfall of all; that the policy of the labor movement ought to be one of out and out uncompromising class struggle.

We dealt with various situations that had occurred from time to time in American Labor history.

Q. And what you stated should be the policy of the labor movement?

A. Well, yes, yes. We always pointed out that in Russia the workers and the peasants had resorted to more militant organization; that they had followed the leadership of Lenin and the Bolsheviks, and that they had associated themselves in a revolutionary fashion and the culmination of that revolution was November, 1917, when the workers and peasants rose up in arms, uprising, and by force



(Testimony of Farrell Schnering.)

and violence which, of course, history had forced upon them in the Czarist Government, and the class forces in Russia, and they had destroyed root, stem and branch, and left no stone standing of the old order, and [437] they had displaced the old order with the dictatorship of the proletariat and the Soviet form of government.

We indicated that there would be no solution of the problems of the American workers until such time as the American workers would follow a similar course.

Q. And this was the policy—

A. (Interposing). Then we pointed out that the Communist Party was the only organization in the world that pursued such a program. Therefore, it became the duty of any class conscious worker, any reasoning worker, once he understood the issues, to become a member of the Communist Party and to understand that ultimately he would associate himself with other workers for the seizure of power and the establishment of a Soviet America.

Q. And you were teaching at this school under whose direction?

A. Under the direction of the District Committee of the Communist Party, District 18, in the State of Wisconsin.

Q. Who was your immediate superior?

A. Nominally, you mean?

Q. Well, who would you call your immediate superior?



(Testimony of Farrell Schnering.)

A. The Comrade who held the title of Director of the Workers' School, was a young lady by the name of Mary Allen, who was the wife of the District Organization Secretary, whose name was Harry Yaris. She was the Director of the Milwaukee [438] Workers School. But, of course, I didn't consider her my superior. My superior was Morris Childs, who was the District Organizer of the Communist Party, and whose word was law in the Workers' School, as well as in all other matters relating to the administration of the Communist Party in the State of Wisconsin.

Q. What books were used at this school?

A. Well, we used, as I mentioned before, Bimba's History of the American Working Class. But we found out that Bimba wasn't too accurate, and we had to use "Trade Unionism, in the United States" by Selig Perlman, Professor at the University of Wisconsin, and a man whom we had always termed the Socialist Fascist, but this represented the best work on the subject at the time.

We also used the "Collective Works of Lenin," as published by the International Publishers.

We used Bukharin's "Historical Materialism," and from time to time we drew from Bukharin's pamphlet, "The A.B.C. of Communism."

We used the Communist Manifesto, and we drew on Marx' "Das Kapital".

We also used—I mentioned previously the Communist Manifesto—and we used "The Revolution

(Testimony of Farrell Schnering.)

of 1848", and we used Engels' "Socialism, Scientific and Utopian."

We drew from the "Origin of the Family, Private Property [439] of the State," and sundry pamphlets and books that had been issued either by the International Publishers or Workers' Library Publishers.

In each case, for each course, we prepared a rather comprehensive outline, and these works that I have mentioned were the sources from which we drew to prepare the outlines that I have mentioned.

Q. Was there any discussion of the tactics and methods to be used by the membership of the Party in their relationship with trade unions?

A. In the Workers' School, because it was to all intents and purposes a non-political organization, we put it this way—"What every class conscious worker ought to do." That is, we pointed out that it became the duty of every class conscious worker to belong to the union in the industry in which he was employed; that class conscious workers ought to strive to make as many mass contacts as they possibly could in the Party. We spoke then of the duty of Party members. But in the Workers' School, you see, this was to all intents and purposes an educational institution for the purpose of carrying on workers' education; but our line was the Communist Party line because the Communist Party controlled the school.

For example, the Communist Party wishes to send its members into unions and other organizations where they can make mass contacts. [440]

(Testimony of Farrell Schnering.)

In the school we tried, as a result of those courses, to commit a worker to the Party line, and here was a man or a woman armed with the Party line, a scalpel of Marxism and Leninism, we used to call it, and he would join a group, or he belonged to some fraternal organization, or some other group, and there our Fraction contacted him and knew he was a student in the Workers' school and more or less committed to the Party line. He was of great use to the Party in these organizations.

We had 700 members enrolled in the Milwaukee Workers School at the high point.

Q. Then it was the object of the Communist Party to influence the members of the union, through contacts made with Communist Party members who were also in the union?

A. That was one of the means that we used; yes, sir.

Q. And that was for the purpose of gaining control and domination of the labor unions?

A. Yes; as far as we were able to do so.

Q. And ultimately use the unions for the purpose of accomplishing their ultimate aim and objective?

A. Yes.

Q. Which is—

A. (Interposing) The overthrow of the Government of the United States.

Q. How? [441]

A. By force and violence, by the process of the revolution, the armed uprising of the American Working class.

(Testimony of Farrell Schnering.)

Q. And that is the aim and objective of the Communist Party as you know it?

A. That is the aim and objective of the Communist Party as I know it; and the Communists, of course, contend that this is a matter that has been decreed by history and history has cast them in the role of those particular people who are going to lead, guide and direct this armed uprising which they speak of as the revolution. [442]

Presiding Inspector: Were the schools front institutions?

The Witness: Yes.

Presiding Inspector: What organization was nominally in control of them?

The Witness: Well, the Workers School was an organization.

Presiding Inspector: By itself?

The Witness: By itself. It was called the Milwaukee Workers School, and we had a few innocents who could be exploited to very good advantage.

Presiding Inspector: As sponsors for the school?

The Witness: As sponsors or supporters of the school.

By Mr. Myron:

Q. Of course, they had the confidence of the party leaders?

A. Oh, yes. We had a man in Milwaukee who was beyond reproach. He was an Economics Professor at the Marquette University of Economics, a man who contributed to other publications. He

(Testimony of Farrell Schnering.)

wrote a section of the American Encyclopedia of Social Science. That man was named Lyle Cooper. He was beyond reproach. Who would ever suspect that Lyle Cooper was a member of the Communist Party?

Q. Was he a member? A. Yes, sir.

Q. Are you familiar with the TUUL?

A. The Trade Union Unity League, you mean?

[443]

Q. Yes. A. Yes.

Q. Will you describe the TUUL for us, its relationship with other organizations?

A. Well, the Trade Union Unity League was the American Section of the Red International of Labor Unions, the headquarters of which are in Moscow.

Now, in the early days of the Communist Party the Trade Union Unity League was called the Trade Union Educational League. That was during the period when the party was seeking to bore from within the American Federation of Labor.

Q. What do you mean by that, "to bore from within?"

A. To build Fractions, to send Communists into the labor movement, and to conduct themselves in such a fashion as will cause those activities to finally culminate in Communist domination of the labor movement.

Now, this Trade Union Educational League claimed to be purely an educational association, to educate the members of the American Labor



(Testimony of Farrell Schnering.)

Movement as to what constitutes good labor organization. In 1924 there began a factional fight within the party. William Z. Foster and others associated with him in the Central Committee of the party contended that it was time to withdraw from the American Federation of Labor, that the A. F. of L. was essentially a reformist in its character and committed to a policy of class collaboration [444] and, therefore, said Foster and his associates "It does not—the A. F. of L. does not represent the American working class". And another reason was that the American Federation of Labor was insignificant in numbers in comparison with the vast number of people who worked for their living here in this country, and the party did not feel that if it succeeded in taking control of the A. F. of L. it would have established a sufficient mass base for operation. And so they contended that it would be best to pursue a new policy, to build revolutionary unions in this country, and that the Trade Union Educational League became the Trade Union Unity League, and they went forth to organize militant, revolutionary, industrial unions in the United States.

They had the Steel and Metal Workers Industrial Union, for example, which took jurisdiction over our workers engaged in the metal working industries, and organized them into industrial unions.

Q. Let me get you straight on that. The TUUL organized this union?



(Testimony of Farrell Schnering.)

A. The TUUL chartered the Steel Workers—Steel and Metal Workers Industrial Union, and the Steel and Metal Workers Industrial Union would go into an industry and organize—try, rather—it never succeeded in doing so—would try to organize the workers in that plant, the machinists and tool workers, the machine hands, and the sweepers, all the workers in an industrial union, and those unions, of course, had been [445] inspired by the Communist Party. And to facilitate the organization of the TUUL, during the period of its existence, every party member was given to understand that it was his obligation, as a matter of party discipline, to belong to the Trade Union Unity League, to be affiliated with the Union in the industry in which he worked. If he were a coal miner, he belonged to the National Miners Union; if he were a metal worker he belonged to the Steel and Metal Workers Union; if he were a cook he belonged to the Food Workers Industrial Union.

Q. Now, was it possible for a member to be—or a person to be a member of both unions?

A. Oh, you could be a member of as many unions as you wanted to. You could belong to the Steel and Metal Workers Industrial Union even though you had never been inside a metal working plant.

Q. Now, what is the Red International?

A. The Red International of Labor Unions was

(Testimony of Farrell Schnering.)

the parent body of the Trade Union Unity League.

Q. Is there any connection between the Red International and the Third International?

A. They are one and the same, but the Red—oh, you mean the Red International of Labor Unions?

Q. That is right.

A. The Red International of Labor Unions was inspired [446] and organized by the Communist International and Lovosky was the head of the RILU.

Q. And that was true at the time that you were a member of the Communist Party in 1931 to '35?

A. Oh, yes. Now, you see the party had in the Central Committee the Trade Union Commission of the Central Committee. Jack Stachel, S-t-a-c-h-e-l, for a long time headed the Trade Union Commission of the Central Committee of the Communist Party, and the Trade Union Commission of the Central Committee was, of course, responsible for the welfare of the Trade Union Unity League, and in the district organization of the party we also had the District Committees, and the Trade Union Commission, and I was a member of that Commission in the Wisconsin District of the Communist Party, and it was our task to see to it that the party was able to operate and maintain a trade union center.

Now, during that period I belonged to the Steel and Metal Workers Industrial Union Local at the A. O. Smith Corporation; I belonged to the local of that organization at the Harnischfeger Corpora-

(Testimony of Farrell Schnering.)

tion, and I belonged to a group at the Allis-Chalmers, and to a group we had at the Meyer Manufacturing Company. I belonged to four unions and from time to time I used to meet with the Food Workers Industrial Union if I had the time to do so.

Q. Then, you might say that the TUUL has the same [447] relationship to the Communist Party in the United States as the Red International has to the Third International in Russia?

A. That is right.

Q. They are all one group?

A. But the RILU is the parent of the TUUL.

Q. And the controlling factor of all those organizations is the Third International?

A. That is right.

Q. Now, does the TUUL organize and set up its own unions? Is that what you said a moment ago?

A. The TUUL did. The organization is non-existent in this country now.

Q. I see, but they did in the past set up various unions?

A. They did; they weren't too successful.

Q. And organized among the various laboring classes? A. Yes, sir.

Q. Membership in those unions?

A. That is right, and those unions then became recruiting centers for the Communist Party.

Q. I see; and they were a part of the TUUL?

A. That is right.

(Testimony of Farrell Schinering.)

Q. Organized and established and under the control of the TUUL, is that right? [448]

A. That is right.

Presiding Inspector: And the TUUL was wholly Communist?

The Witness: Oh, there were many members of the Trade Union Unity League who were not Communists. There were many workmen in the shops who joined the Trade Union Unity League, but the leadership of the Trade Union Unity League was at all times either in the hands of actual members of the party, or persons whom the party was very, very sure would at all times remain committed to party policy.

Presiding Inspector: And the control was through the Communist Fractions?

The Witness: Through the Fractions of the Communist Party which existed within the Trade Union Unity League.

By Mr. Myron:

Q. Did you know of an organization, Marine Workers Industrial Union? A. Yes, sir.

Q. Do you know whether that was a TUUL union?

A. That was a TUUL union. We tried very hard—Milwaukee is a big port on the Great Lakes, you know, and we tried very, very hard to build a Marine Workers Industrial Union in the Milwaukee port. However, we were not successful. We never get beyond a number of, oh, four or five or six seamen who were interested, lake seamen who were

(Testimony of Farrell Schnering.)

interested in the Marine Workers Industrial Union. We assigned a few fellows, [449] unemployed workers in the party who had never been on a ship, to see what they could do with the Marine Workers Industrial Union. We tried, through the medium of the Unemployment Councils, to establish relationship with seamen who laid in Milwaukee port over the winter. I talked to several groups of seamen but the seamen on the Great Lakes did not react very favorably to any of our efforts to organize a Marine Workers Industrial Union in the Milwaukee port.

Q. You spoke of "we". Did you mean that you had some part in organizing the Marine Workers Industrial Union in Milwaukee?

A. I had some part in trying to organize a Marine Workers Industrial Union but we were never successful.

Q. And under whose instructions did you make an attempt to organize these workers?

A. The District Committee of the Communist Party.

Q. I see. Now, can you give us any idea of any other group or class of people that the Communist Party endeavored to bring into its fold, and the methods used?

A. Yes, the petty bourgeois intellectuals.

Q. What is that?

A. The petty bourgeois intellectuals.

Q. What class would you say they belonged to? Would that be relief workers?



(Testimony of Farrell Schnering.)

A. Oh, it might be certain categories of relief workers. It might be—— [450]

Q. (Interposing) Well, did they attempt to organize the relief workers?

A. Oh, yes, we attempted to organize the relief workers with the Unemployed Councils, and on March 6, 1930, in most parts of the country, large demonstrations were held to protest against starvation, demand more and better relief, and the payment of unemployment insurance on the basis of full wages, and not one cent less than that, as the party put it.

Q. Now, were there any organizations established for that purpose among the relief workers that you know of?

A.—Well, the Unemployment Councils began their activities before the days of the Public Works Programs, there was no Public Works Program back in 1930. So it was a proposition to organize workers into the Unemployment Councils in order that they might struggle for better relief. Then, by the time the WPA came along the Unemployment Councils had liquidated because, at that point, the party had taken control of the Workers Alliance, and the Workers Alliance became the medium through which the party organized and made contact with unemployed workers who were either on direct relief or working on the WPA or some other relief Public Works Program.

Q. What was the aim and objective of the party in organizing relief workers?



(Testimony of Farrell Schnering.)

A. To develop widespread militant mass struggles [451] to extend the influence of the Communist Party among the unemployed, in short, to build the revolution and to use, of course, the unemployed organizations, as the party uses all organizations in which it wields influence, as a recruiting ground for the party.

Q. And what sort of propaganda was issued by the Communist Party in order to influence these relief workers, if you know?

A. You mean as regards the unemployed organizations?

Q. Yes, what sort of a line, what sort of a party line was used to influence the relief workers and gain their support in the Communist Party movement?

A. Well, the Communist Party caused the Unemployment Councils to contend that capitalism had condemned millions of the unemployed to starvation, to give them only the most miserable existence on relief, and that it became the problem and the duty of workers to insist that if the capitalists couldn't give them a job that they still had to fit and feed them properly. To do this they had to organize themselves; they had to associate themselves in a militant class-conscious unemployed organization. And at that moment the Unemployed Councils, which had been organized and were controlled by the Communist Party, was the only organization, of course, which fought for adequate relief for the unemployed.

(Testimony of Farrell Schnering.)

Now, these unemployed workers were told it would [452] never do under any circumstance for you to go to these people expecting that, on the basis of reason, you will be able to persuade them to give you decent relief. You will only get as much as you are able to wring out of them and force them to give you as a result of your militancy and your organized power.

Now, then, we would point out this condition will always exist; from now on and henceforth there will be more and more millions of workers condemned to a relief standard of living and, therefore, it will be necessary for you to continue to associate yourself and fight militantly for better relief.

And, of course, the bait that the party held forward was that it would be able, as a result of this militant struggle, to win unemployment and social insurance for the unemployed, but this could only be won, it had to be understood, on the basis of the most militant kind of struggle. Now, then, we pointed out, of course, that during the process of all of the circumstances and all of these things that there was a country, however, where the workers—where there was no unemployment, excepting for those workers who were physically unable to work, or who, because of old age or other circumstances beyond their control, couldn't find a job; that country was the Soviet Union and there, of course, unemployment insurance was paid and social insurance was paid and the payments—

(Testimony of Farrell Schnering.)

the sum of payment, was very, very liberal. And, of course, it was a very wonderful thing that the Soviet workers had acquired all [453] these things. They had done it, however, only as a result of having exercised their revolutionary power to overthrow capitalism in Russia and displace the capitalist government with the dictatorship of the proletariat. The conclusion that the American workers ought to draw was only until they had followed in the footsteps of the Russian workers and farmers would they be able to reach a solution for the problem of the worker on relief.

Q. That is overthrow of the Government of the United States? A. That is right.

Q. By force and violence and substitute therefor the Soviet form of Government?

A. Yes. Let me interject here: This matter, of course—and violence is understood by every party member. As a matter of fact, one of the conditions for membership in the party is that a worker has reached the point, or any person has reached the point where he understands that force and violence must be used to smash and destroy the capitalist Government. That is what brings a man into the Communist Party.

Q. Are you familiar with an organization known as the American League Against War and Fascism?

A. Oh, yes; I happened to organize that thing.

Q. When? A. In 1933. [454]

Q. In Wisconsin? A. Oh, yes.

(Testimony of Farrell Schnering.)

Q. What was the purpose of that organization?

A. Well, Hitler had come to power, and the party had at its disposal in Milwaukee, and everywhere else, a large number of second rate intellectuals; quite a number of broken down school teachers, a number of writers whose principal grudge against capitalism was that they couldn't find any publisher to publish their articles or their books, a few old ladies who, I understood in previous years were militant followers of Margaret Sanger and turned to Bolshevism later on, and we had to do something with these people, and Hitler had come to power and it had become necessary to protect a mass struggle against Fascism. And so the party decided that it would organize this American League Against War and Fascism.

Now, you see, the Twelfth Plenum of the Twelfth International had declared this, "That the world has entered—" I am quoting now from the theses—someone check me if I misquote—"That the world has entered into a new round of wars and revolutions and Soviet power is of the order of the day."

Now, it was said, however, that the masses might check this imperialistic war and the CI seemed to feel at that time that the war was bound to determine to resolve itself in an [455] imperialistic war and form the Soviet Union. They weren't thinking about the possibility of Herr Adolph and Uncle Joe getting together at that time. So it was said that the masses might be able to check this war and seize

(Testimony of Farrell Schnering.)

power before the imperialistic war broke out, that is, they might be able to arm the masses, they might be able to rouse the masses to revolutionary action before this new imperialistic war broke out.

Well, Adolph Hitler came to power on the 30th of December, 1933, and about eleven weeks before that time the Thirteenth Plenum of the Communist International said, "The German working classes are now face to face with Bolshevism. We will soon vision the final triumph of the power; final power in Germany."

But Hitler came to power instead. Then, they had a problem, not the struggle against war, but the struggle against Fascism. Here I must point out the party had always lumped German Nazism and Italian Fascism into the same basket and spoke of it generally as Fascism. So it became necessary for the workers of the world and the impoverished middle classes, as they were called, and the toiling intellectuals—I have never happened to run into a toiling intellectual myself, but that is what the party called them—to associate themselves in a great united front to struggle against war and Fascism.

Now, in this country that struggle expressed itself [456] through this organization which was formed in 1933, the American League for Peace and Democracy. So we mobilized these middle class people, these intellectuals and so forth to join this organization, and we sent a number of them from Milwaukee.



(Testimony of Farrell Schnering.)

Q. When you speak of "we", whom do you refer to?

A. The Communist Party, they convened there in the first Congress of the American League, the first United States Congress against war. And then we said, the party said, "Now, here is the great American middleclass; here are the cream of the American intellectuals and they have become conscious of the threat of war and Fascism" and so they formed a great united front organization to go out and fight it, and that was how the American League was first organized.

Now, the party controlled the American League lockstock and barrel, and the organization achieved measurable success from its organization onward, but by the time the Second Congress against war and Fascism, which was held in 1934 in the Ashland Auditorium in the City of Chicago on Van Buren Street, Ashland Avenue, they determined that something drastic was going to happen. We had taken the American League about as far as we could take it, unless we could succeed in getting a better coöperation from the labor movement, from the unions, and that became one of our principal problems from 1934 onward, to make still broader mass contacts for the American. [457] League for Peace and Democracy.

Finally the American League Against War and Fascism became the American League for Peace and Democracy. The party's line of reasoning was this: That the name "American League Against



(Testimony of Farrell Schnering.)

War and Fascism" indicated a negative position and they chose to change the name to a League for something, rather than against something. And also at the time that the name was changed to the American League for Peace and Democracy, by this time the Seventh World Congress of the Communist International had taken place in the month of August, 1935, and there the Communist International had committed itself and all of its Sections to the peoples' front program, that is, the threat to democratic forms of government had become so great as a result of the rise of Fascism that all Christian and liberty-loving peoples sought to associate themselves into a broad political coalition for the purpose of fighting for the preservation of these things which the Communist Manifesto away back in 1848, and to which the Party still subscribed, declared would have to be destroyed before the workers could bring about their own emancipation. [458]

But with the American League for Peace and Democracy I had a great deal of experience, particularly the activities of that organization in the State of Wisconsin. I was very busy at the Second United States Congress against War, which was held in the Ashland Auditorium in Chicago. I attended the Congress and I attended the Fraction meetings which were held in the evening, wherein the Party determined just what it would do and what it was not going to do at that Second Congress against War.

(Testimony of Farrell Schnering.)

Q. Now, was there any attempt on your part to organize on behalf of the Communist Party student groups in colleges or high schools?

A. Yes, I am a former student of the University of Wisconsin, which is the State University of my home state, and we began our activities there with the National Student League. Now, I had charge, for the District Committee, of Communist Party activities on the campus at the University of Wisconsin, and at other schools and colleges in our State where we were attempting to carry on Communist work, and our activities at the University of Wisconsin centered in an organization called the National Student League. That was finally liquidated when the American Student Union was formed.

Now, in that capacity, it was my task to go down to the University from time to time and meet with members of the Young Communist League and meet with members of the National [459] Student League. On occasions I would go down and give lectures. The University of Wisconsin has been in the habit for a number of years now of having a summer seminar for workers in industry, and those of us who live in the State of Wisconsin feel that that seminar is a very good thing, and the seminar tried to take a very broad point of view and give the students all angles. And they would permit members of the Communist Party to come down to their summer school for workers and lecture on the position of the Party. I have, on occasions, given talks

(Testimony of Farrell Schnering.)

to the students in the summer seminar at the University of Wisconsin.

Now, the National Student League, at the time it existed and I was in charge of Party activities at the University of Wisconsin, was trying to build this organization among students on the basis of the class struggle. For example, we would go to the students; they would go to the students at our instruction, that is, my instructions, who represented the District Committee, to project a struggle for free text books, greater student help, more academic freedom for the student body, and then, of course, in the N.S.L. the advantages on Soviet education were always pointed out to the students, and all these advantages of student education accrued to Soviet students, of course, by reason of the fact that Russia was the one country and the only country where the masses of the people had associated themselves in a revolutionary organization [460] under the leadership of Lenin in the Bolshevik Party and they had overthrown the Czarist form of government, had smashed capitalism, and had displaced all of those institutions with the Dictatorship of the proletariat and the Soviet form of Government. Students who found that they were having trouble paying their way through school, students who felt decidedly restricted by the lack of academic freedom were given on the one hand a great deal of hope that by joining the N.S.L. they might overcome some of these evils, but they would never be eradicated until such time as the National Student

(Testimony of Farrell Schnering.)

Body, as a whole, would have associated itself with the proletariat in the revolutionary organization which would eventually follow in the footsteps of the Russian masses, which meant, then, that the American masses would overthrow the Government of the United States, smash capitalism, root, stem and branch, organize the Soviet America, a workers' and farmers' government, the political basis of which would be the dictatorship of the proletariat here in the United.

Q. This was the Communist Party policy?

A. Oh, yes.

Q. To attract and influence this group of people to adopt their principles and ultimately join with them in the overthrow of the Government by force and violence?

A. That is right.

Q. Now, does the Communist Party use, or organize and [461] establish newspapers or other means of transmitting their Party policy to the public generally?

A. The Party has a tremendous press. We used to brag that there was scarcely a language spoken in the country in which a Communist paper was not printed. They had many weekly papers; the Daily Worker which was the official publication of the Communist Party. They published many, many tons of pamphlets, books, through the Workers Library Publishers and the International Publishers. The Central Committee itself from time to time published pamphlets. The International Labor Defense had a magazine "The Labor Defender," and

(Testimony of Farrell Schnering.)

the Finnish—the Finlanders, even though a small national group, maintained two daily papers, one in New York and one in our own state, in the State of Wisconsin, a paper which is called Ettaanpaen, which was published in New York City.

Q. Did the Communist Party have a local newspaper in Wisconsin?

A. Yes, we established in 1936 a weekly paper called "The Wisconsin Voice of Labor." I was editor of that paper.

Q. And was the policy, Communist policy set forth?

A. On the masthead we printed "Official Publication of the Communist Party in the State of Wisconsin."

Q. Who directed the publication of that paper?

A. I was the editor of the paper, named to that position by the District Committee of the Party.

[462]

Q. By the what?

A. By the district Committee of the Communist Party.

Presiding Inspector: What year was that?

A. 1934; the paper ceased publication in June, 1935.

By Mr. Myron:

Q. Where did you receive the funds to finance the issuance of that newspaper?

A. We raised the funds by subscription, that is, we began a campaign to raise enough money to permit the publication of a working class paper in



(Testimony of Farrell Schnering.)

the State of Wisconsin, and we had our people, Party members and sympathizers, go out and approach them on this proposition, and we had a picnic to raise some money, and other affairs.

The unit organizations, the Party organizations had to sponsor activities which would raise money for the Party, and we had to raise \$1500 before we could begin the publication of the paper. Well, we succeeded in doing that, and then we liquidated the paper for purely tactical reasons in the month of June, 1935.

Q. What do you mean by "Tactical reasons"?

A. Well, in 1934 it became apparent that very profound changes were going on in the country. We began at this time to liquidate the Trade Union Unity League. The tendency was toward a still broader aspect of the united front and we felt that in view of the way things were shaping up for us there was [463] not really a basis for an out and Communist paper in the State of Wisconsin. So we liquidated the paper because we thought it would be far better if we could come back with another paper, a non-partisan paper, or, let us say, a paper like the Peoples World or the Midwest Daily Record in Chicago, a non-political paper, you know, which should be controlled by the Party, but which to all intents and purposes would be a non-partisan paper.

Now, it is also a fact that we discussed with the Comrades in Chicago—we discussed with Bill Gebert, who was the Secretary still at that time—Bill,



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I guess, is now in New York City attached to the Central Committee, most of his work under their direction—Bill was of the opinion, “Well, Comrades, what is the paper worth?” They had had a paper in Chicago; they liquidated that. And we knew from our contacts with the Central Committee that the Central Committee in 1934 was looking toward the possibility of establishing a newspaper in the Middle West which would probably be published in the City of Chicago, which the Party would control. Therefore, we could not expect any great cooperation from the Central Committee in the matter of our newspaper.

Now, Clarence Hathaway, who was the editor of the Daily Worker, was a pretty good friend of mine, and whenever Clarence came into Milwaukee I used to spend as much time as possible with him. [464]

Now, Clarence was of the opinion—he said “Well, Comrades”—he said, “it is a notable success that you have established a paper here in the State of Wisconsin, but—” he said, “I am inclined to believe that the paper will very soon outlive its usefulness.” And I had discussed this matter of the Party press with Hathaway because he was an authority on it; he was Editor of the Daily Worker, and Hathaway made it very clear to me that I could not expect, nor the Party organization in Wisconsin could not expect any great cooperation from the Central Committee on the matter of the newspaper, because anything that the Central Com-

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mittee would do would tend toward establishing a mass paper for the entire middle west which would be published in the City of Chicago.

Q. You mentioned the united front. What was the united front?

A. Well, the united front—the history of the united front went like this: Originally the united front was a coalition of masses of workers and poor farmers who had formed this united front, first of all to progress militant struggles for their own welfare. Among these workers in this united front were to be the most advanced and class conscious workers who understood the reformist character of the American labor movement, who opposed the class collaboration policies to which the American labor movement had been committed by the mis-leaders of labor, William Green, and in those days John L. [465] Lewis was a mis-leader of labor, and who had entered this united front for the purpose of bringing about a rank and file control of the labor movement, and to commit the labor movement to more clear-cut class-struggle policies, and to generally project this whole mass struggle of the masses against capitalism. They would repudiate the mis-leaders of labor. They would repudiate the reformist leaders of labor. They would accept as a result of this united front—so the Communist Party calculated, and this was the whole purpose of the united front—these people would then accept the true leadership of the masses which was the revolutionary leadership of the Communist

(Testimony of Farrell Schnering.)

Party. And that, of course, would be the only true leadership by reason of the fact that the Communist Party, and the Communist Party alone is the only organization in the United States which seriously and wholeheartedly had in mind the objective of organizing and mobilizing the masses of the people for the overthrow of the Government of the United States, for the destruction of capitalism, for the establishment of a Soviet America and the dictatorship of the proletariat.

Well, there was a process of evolution went on in this united front tactic. Originally we told the workers that we would not trifle with the social fascists, that is, those people who went so far as to talk about Socialism but indeed were Fascists because they clung to a reformist class collaboration policy. And we said it would be utterly impossible, we [466] Communists in Milwaukee, why, how could we ever make a deal with Dan Hone? We called Dan Hone the great faker, you know, Socialist faker, is what we called Dan Hone. Why, we said we couldn't ever make a deal with Dan Hone. And how could Comrade Browder, with all his revolutionary integrity, ever think of associating himself with Norman Thomas?

This united front had to be from below. But after the Seventh World Congress of the Communist International and with the enunciation of the Peoples Front Party, then, the Party began to turn toward the policy of coat tail grabbing, that is, grab the coat of some prominent man and ride along.

(Testimony of Farrell Schnering.)

if you can; for instance, if a man became popular. We learned this lesson as a result of what took place in Germany. Now, Herr Adolph had said that he was the man who was going to preserve the tradition of the German people and carry it forward, and Ernst Targler and Thaelmann said "Oh, Hitler is a misleader. What we must do is destroy the tradition of the German people, and we are the men of the future, we Communists, who will destroy the old order and establish the new."

Well, the Party reasoned that Hitler had been rather smart in exploiting the traditions of the German people, and the World Congress with its denunciation of the Peoples Front tactics began a movement to exploit the tradition of peoples as far as possible, and to bring the Communists forward as the only ones who represented the tradition of the people, not [467] those who were going to destroy it, the better to deceive the masses of the people.

And so a person who was in a prominent position, for example President Roosevelt became a very popular figure, one of the most popular, the most popular President in American history, and the Communist Party would seek to ride the coat tails of a man like President Roosevelt, and they would say, "Now, President Roosevelt has advocated quarantining of the aggressors and we Communists advocate collective security. Why, it is the same thing. If you support Roosevelt, why, you just have got to support us as well."

(Testimony of Farrell Schnering.)

And if you support a man in the labor movement who speaks about unity, let us say any leader of the labor movement who speaks about unity, the Communists say, "Why, they got on John L. Lewis' coat tail."

Q. All this is done, of course, for the purpose of influencing certain groups of people?

A. It was done to influence; it was done to influence the masses, as the Communists say.

Q. Were you ever a candidate for public office?

A. Yes; I ran for Attorney General in 1934 in the State of Wisconsin.

Q. On the Communist Party ticket?

A. That is right.

Q. How were you nominated?

A. Nominated by the—I was nominated at a nominating [468] convention of the Communist Party.

Q. Where was that?

A. That was held in Milwaukee.

Presiding Inspector: Are you a member of the bar?

The Witness: No.

Presiding Inspector: You didn't have to be a member of the bar to be Attorney General?

The Witness: No, no.

Presiding Inspector: In Wisconsin?

The Witness: No.

Presiding Inspector: I didn't quite understand the dates that you were a member of the Party?

The Witness: I joined the Party first in Janu-



(Testimony of Farrell Schnering.)

ary 1930. I remained in the party until May 1930 and then I left the Party on a very friendly status; I just fell away, and then, in 1931, about June, 1931 I joined the Party again and I remained in the Party until December, 1935.

By Mr. Myron:

Q. Did you terminate your membership voluntarily? A. Did I what?

Q. Did you terminate your membership voluntarily? Did you leave the Party voluntarily or were you expelled?

A. I was expelled from the Party.

Q. You were expelled from the Party?

A. Oh, yes.

Q. What were the circumstances? [469]

A. Well, I hadn't intended to be expelled. The Communist Party permits, what has always been spoken of as self-criticism. Well, self-criticism is one of the doubtful ingredients of the revolution, so I indulged in a bit of self-criticism. I was inclined to feel that the Party was making many mistakes in the State of Wisconsin in the tactics being pursued as regards issues which I felt were of vital importance to the people of our state. And so I was—I thought that "My goodness, this is a terrible thing that the Party should make these mistakes. I, as a good Bolshevik; must prevail upon the Comrades to change their point of view and pursue that policy which may bring a greater result." But the Party told me that I was an old Bolshevik in a responsible position in the Party organization in the State of



(Testimony of Farrell Schnering.)

Wisconsin, that I should know that it was quite out of reason that I should be raising this criticism, and they said, "Without doubt you want to disrupt the District Committee and the District Committee organization in the State of Wisconsin. You will have to cease this criticism at once."

Well, I said, that I wouldn't do that, that, as a matter of my conscience I could not do so, and the Party then ordered me to cease all criticism. I contended that this I wouldn't do. So then they proceeded to accuse me; oh, they made—they accused me of very frank formality. They said that I was a victim of petty bourgeoisie parliamentary illusions. Well, I said, "I am sorry, Comrades, that the diagnosis reveals such a [470] deep-seated malady. Do you think there is any hope for me?" "Not unless you stop your criticism."

And so the Party, the District Political Bureau, of which I was a member, the District Bureau of the Party, proceeded to accuse me of sundry crimes and finally, after long deliberation which extended over the period from about the middle of June to the end of December, 1935, they finally decided that I had been expelled from the Party three months before that.

Q. Were you notified of your expulsion?

A. I was notified of my expulsion on December 30, 1935, after I had prevailed upon the Party for three months to define my status.

Q. By whom were you notified?

(Testimony of Farrell Schnering.)

A. The District Committee, by Gene Dennis, who, at that time, was State Secretary of the Party in Wisconsin.

Q. Mr. Schnering, were you ever arrested?

A. Was I ever arrested? Yes, in the City of Fond du Lac.

Q. What was the occasion for that arrest?

A. Well, that arrest was the aftermath of a meeting to protect against a farm eviction.

Q. Were you acting on behalf of the Communist Party? A. Yes.

Q. And what did you do? What caused your arrest?

A. Well, on a certain day I received a letter from our [471] Section organizer at Oshkosh, Wisconsin, asking me, or advising me, first of all, that the farmers in Winnebago County wanted me to come out to a little town called Omro and make a speech. In this speech they wanted me to set forth the attitude of the Communist Party on farm evictions. That is, the agrarian program of the Communist Party. They were curious; they wanted to know what we thought about these farm evictions, and what we could offer.

Well, of course, I was only too glad to go and talk to the farmers. So I went up to this little town of Omro and I made a speech. Of course, I talked about the United Farmers League, which was another Communist front organization among the farmers, and after that meeting was over that night at Omro one of the fellows—I don't remember who he was—he

(Testimony of Farrell Schnering.)

was a farmer that lived down near Cambellsport—asked me if I would come down to his farm and stay over night with him and go over to Fond du Lac the next afternoon, that they were going to have a—the Judge was going to give a decision regarding the property that belonged to a woman by the name of Mrs. Brome. They wanted to know if I would come over there to Fond du Lac and we would have a little meeting outside the court house.

Well, I was always willing to go to meetings at that time, so I stayed with this farmer and the next afternoon we went over to Fond du Lac, and there were a number of farmers and townspeople. Fond du Lac is a small town at the end of [472] Fox River Valley. The population was about 20,000. So there were about two or three hundred people, about three hundred people concentrated in the court house yard, so I began to make a speech. I was introduced in the course of time.

Now, the night before at Omro I had been told that on the occasion that Mrs. Brome had been evicted from her farm that the undersheriff and the deputy sheriff had been drinking whiskey and were intoxicated. So the next afternoon I mentioned the fact, that I had learned and had reason to believe that the undersheriff and his deputy were under the influence of liquor on the day that Mrs. Brome was evicted.

Well, there was a lawyer in the crowd who told the sheriff that then and there he could arrest me and charge me with criminal libel. They did that.

(Testimony of Farrell Schnering.)

I was not in jail very long. The farmers raised \$200.00 bail for me. I got out of jail and it was a few weeks after that that I went to trial; I never served any time.

Q. Did you defend yourself?

A. Oh, yes, I defended myself. Those of us who were Party members, and able to defend ourselves, were not bound by any of the ethical standards of the legal profession, you see, and so we tried, wherever possible, to defend ourselves. When a Communist defended himself in a court room, then the court room really became a forum in which the program of the Communist Party was set forth, particularly the attitude of the Communist Party on courts and class justice. [473]

Q. Was that true in your case? A. Oh yes.

Q. You used the court room as a forum?

A. I did, rather successfully, too.

Q. Will you explain how you did take over in that case?

A. Well, on the day that my trial was to occur I was faced with a problem. The problem was this: They were going to—I calculated that there would not be less than a couple of hundred farmers at the trial. There would be a number of workers there, and here the capitalistic court would provide me with an audience, a forum from which I could speak, and I wondered just how I was going to get away with it.

Well, the District Attorney said, "Now—" he said, "If you will pay the costs in this matter I think we

(Testimony of Farrell Schnering.)

can arrange to drop the whole thing. "Well," I said, "How much would the costs be?" He said, "\$50.00." "Oh, no," I said, "I couldn't think of paying that kind of money. I would sooner prove that the Sheriff was drunk." And I told him I had plenty of witnesses. But in this case the witnesses upon whom I was depending were not Communist Party members; they were just ordinary farmers from Winnebago County; they didn't know much about class justice and mass defense. These men would have been horrified if I had gone to them and said, "Now, here, you did see that Sheriff drunk, didn't you?" "No."

They were just good honest farmers who had let their [474] imagination run away with them, but I found that out after I got to my trial that morning. So here I was. How am I going to manage to make a speech. I wouldn't pay the \$50.00. I had a lawyer with me and he said, "Well, I think we better pay the \$50.00 and get it over with." Oh, no, I wouldn't concede that. I told the fellow, "As a matter of fact, I am enjoying this whole thing. When I get through here I will appeal this thing to a higher court and we will have some more noise over it. There is nothing I like better than to defend myself in court." So we went to the court room. When I came before the judge to enter a plea of guilty or not guilty, I told the court that I wished to make a statement before I entered a plea. Well, he said, "You can't do that, because that will constitute a—that would be



(Testimony of Farrell Schnering.)

making a plea with reservation and the Supreme Court in the State of Wisconsin has decided that you can't do that. If you do this you will be pleading guilty."

Well, I said, "O. K.," I would have to plead guilty, then. That would be all there would be to it—but I wanted to make this statement—so I made a statement to this effect: Now, I said, "It is a fact that I did come on a certain day to the City of Fond du Lac. I came at the request of certain townspeople and farmers who asked me to come and make a speech in which I would set forth the opinions of the Communist Party. [475]"

Q. And you used that as an opportunity to express the opinions and policies of the Communist Party? A. Yes.

Q. And that was the opportunity you were looking for?

A. Yes, sir, that is right.

Q. And that was following the Party policy?

Mr. Myron: May it please your Honor, I think we have come to the point now where the witness will identify certain literature and I suggest that we have a recess at this time until two o'clock to give us time to get the literature in order.

Presiding Inspector: You think it would expedite matters?

Mr. Myron: Yes.

Presiding Inspector: Counsel has asked that we adjourn until two o'clock so he may arrange the documents which he is going to present.



(Testimony of Farrell Schnering.)

Mr. Gladstein: Through this witness?

Mr. Myron: Yes.

Presiding Inspector: We will adjourn until 2:00 o'clock.

(Whereupon, at 12:15 p. m. an adjournment was taken until 2:00 p. m. of the same day.) [476]

After Recess—2:00 o'clock P. M.

Presiding Inspector: All right, Mr. Myron.

### FARRELL SCHNERING

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Direct Examination—(Resumed)

By Mr. Myron:

Q. Mr. Schnering, I show you a pamphlet entitled "Communist Election Platform," and on its first page it shows "Against Imperialist War—For Jobs and Bread. Vote Communist!" And there are two pictures on that page. On the inside cover it shows it was published by the Workers Library Publishers, June 1932. I will ask you if you can identify this?

A. (Examining pamphlet) Yes I can identify this. I remember this particular pamphlet very well. It is a so-called Central Committee pamphlet.

Q. Are you familiar with the contents of this pamphlet?

A. Yes.

Q. Do the contents of that document express the principles and doctrines of the Communist Party?

A. Yes; they square with all that.

(Testimony of Farrell Schnering.)

Q. Do you know whether or not the Communist Party distributed and circulated that document?

A. Yes, I know they did.

Q. During your membership in the Communist Party?

A. During the period of my membership in the Communist Party; yes.

Q. I ask you to turn to the back of the cover, and there you will notice it was published by the Workers Library Publishers.

A. That is right.

Q. Are you familiar with that publishing company? A. Yes.

Q. Is that publishing company a part or a section of the Communist Party?

A. As far as I know, it is.

Mr. Myron: I offer it in evidence.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 122.)

Mr. Myron: I ask that a photostatic copy be substituted.

Presiding Inspector: Yes; the same as before.

By Mr. Myron:

Q. I show you a pamphlet entitled, "War Against Workers' Russia?" by Earl Browder, issued by the Communist Party, U. S. A. and ask you if you can identify that?

A. (Examining pamphlet) I can.

(Testimony of Farrell Schnering.)

Q. Are you familiar with the contents of that pamphlet? A. Yes.

Q. Do they express the principles and doctrines of the [478] Communist Party? A. Yes.

Q. And was that pamphlet issued by and distributed by the Communist Party? A. It was.

Q. During your membership in the Communist Party?

A. During my membership in the Communist Party; yes.

Mr. Myron: I offer this in evidence as the Government's next exhibit, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 123.)

By Mr. Myron:

Q. I show you a pamphlet entitled "Party Organizer," issued by the Central Committee Communist Party, U. S. A., and ask you if you can identify that.

A. (Examining pamphlet) Yes; I am familiar with this.

Q. Was that issued by the Communist Party?

A. Yes. That was issued by the Central Committee and every party member was supposed to read more or less religiously the Party Organizer in order that he might be guided properly in the organizational task which he undertook for the Party.

Q. Are you familiar with the contents of that booklet? A. I am.

(Testimony of Farrell Schnering.)

Q. And what do they represent, the contents? Are they [479] instructions—

A. (Interposing). They are the instructions or, as said in Party circles, directions of the Central Committee.

Q. Was that issued generally to the public or limited to members of the organization?

A. It is supposed to be pretty generally limited to just the Party membership.

Q. And it was issued by the Communist Party to Party members?

A. Yes. It was distributed to the Party members through the unit organizations of the Party, and every Party member was supposed to read the Party Organizer in order that he might be properly guided.

Mr. Myron: I offer this in evidence as Government's next exhibit in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 124.)

Mr. Myron. The date on this last booklet was July, 1932.

By Mr. Myron:

Q. I show you a pamphlet entitled "Party Organizer," issued February 1933, by the Central Committee of the Communist Party, U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) I can.

(Testimony of Farrell Schnering.)

Q. Was that issued, circulated and distributed by the [480] Communist Party of the United States?

A. It was; that is right.

Q. And was that similar to the last pamphlet, issued only to members of the Party?

A. Yes.

Q. And not to the public generally?

A. No.

Q. Are you familiar with the contents of that pamphlet? A. Yes.

Q. Do they express the teachings and doctrines of the Communist Party? A. It does.

Mr. Myron: I offer it in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 125.)

By Mr. Myron:

Q. I show you a pamphlet entitled "Party Organizer," issued August-September, 1933 by the Central Committee, Communist Party, U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) I can also identify this particular piece of literature.

Q. Are you familiar with the contents?

A. I am. [481]

Q. Do they represent the teachings and doctrines of the Communist Party of the U. S. A.?

A. Yes.

Q. And has that document been distributed and circulated by the Communist Party?



(Testimony of Farrell Schnering.)

A. It has.

Q. To members of the Party? A. Yes.

Q. And not to the public generally?

A. Not generally.

Mr. Myron: I offer this in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 126.)

By Mr. Myron:

Q. I show you a booklet entitled "Membership Book No. 3203, Communist Party of the U. S. A., Section of the Communist International, name, Jos. Zijie," and ask you if you can identify that?

A. (Examining book) I recognize this and identify this as one of the earlier membership books distributed by the Party to Party Members certifying their membership in the Party.

Q. When was this book issued?

A. 1930.

Q. 1930? [482]

A. This is identical with the first membership book I had as a member of the Communist Party.

Q. I call your attention to the last page of this membership book on the subject of "On Discipline."

"He who weakens, no matter how little, the iron discipline of the Party of the proletariat (especially during the period of dictatorship, effectually helps the bourgeoisie against the proletariat.

"The Party as the best training school for working



(Testimony of Farrell Schnering.)

class leaders, is the only organization competent, in virtue of its experience and authority to centralize the leadership of the proletarian struggle, and thus to transform all non-Party working mass organizations into accessory organs and connecting belts linking up the Party with the working class as a whole."

Is that the doctrine and teaching of the Communist Party?      A. It is.

Mr. Myron: I offer this in evidence as Government's next exhibit in order.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 127.)

By Mr. Myron:

Q. I show you a pamphlet entitled "Party Organizer" issued July, 1931 by the Central Committee Communist Party, U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) I also identify this one.

Q. Does that represent the teachings and doctrines of the Communist Party?      A. It does.

Q. And has that pamphlet been issued, published and circulated by the Communist Party?

A. That is right.

Q. And similar to the other issues of that pamphlet, only to members and not to the public generally?

(Testimony of Farrell Schnering.)

A. Generally speaking that is what happened.

Q. I will read from page 21 of this pamphlet:

"The special feature of the Communist Party is its strictest discipline, i. e., the unconditional and exact observance by all members of the Party of all directions coming from their Party organizations.

A Party member may disagree with this or that Party decision, may consider it wrong, but once the decision is passed it must be observed. Failure to comply with Party discipline, disobedience and breaches of discipline are regarded by the Bolsheviks as a most serious offense against the Party and violations of the Party discipline are severely penalized down to expulsion from the Party. Moreover, during the civil war, especially during times of danger to the Republic, the Party imposed a war discipline upon its membership. There were even cases of Communists being shot for refusing to go to the front by orders from the Party which threatened to [484] demoralize the other members of the Party."

Do you know if that is the Party policy in regard to its members?

A. Very definitely it is.

Q. And they are instructed along those lines?

A. They are so instructed.

Q. And you were an instructor in one of the Communist Party Schools, were you not?

A. Right; and we never failed to emphasize this matter of Party discipline.

Mr. Myron: I offer this in evidence as Government's next exhibit in order.

(Testimony of Farrell Schnering.)

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government Exhibit No. 128.)

By Mr. Myron:

Q. I show you a book entitled "Thesis and Resolutions from the Seventh National Convention of the Communist Party of U. S. A.," by Central Committee Plenum, March 31-April 4, 1930, and ask you if you can identify that?

A. (Examining book) I identify this piece of literature. That was rather widely sold during the period of my membership in the Party. It was impressed upon the Party members that they should read this particular piece of literature in order that they might become precisely informed as to the [485] attitude, position, etc. of the Central Committee.

Q. And this represents the teachings and doctrines of the Communist Party?

A. Oh, yes, sir. At the time this was circulated it was a very basic piece of literature.

Q. And it was issued by the Communist Party?

A. That is right.

Q. And published and distributed and circulated by the Party? A. That is right.

Q. I read from page 32, the Chapter entitled "Resolution on Building the Trade Union Unity League."

"Part I—General Analysis.

"1. The role of the Party.

(Testimony of Farrell Schnering.)

"The most fundamental task of our Party in mass work is the building of the revolutionary unions of the Trade Union Unity League into broad mass organs of struggle. The recent communications of the Comintern and Profintern have again laid stress upon this elementary necessity. It is in this work that there lies the key to the development of our Party into a mass Communist Party.

"The Party must develop a keen sense of responsibility for the building of the revolutionary unions. It must play the leading role in the Trade Union Unity League, not by substituting itself for the T. U. U. L. and actually taking over trade union [486] functions, but by stimulating its entire membership through the fraction system to build the revolutionary unions, to support them in their activities and to give them correct political guidance. The only way the revolutionary unions can grow into powerful mass organs is by the most complete support of the Party. In successfully building the revolutionary unions the Party lays the best basis for its own recruitment and mass leadership."

I ask you if you can interpret that as it has been interpreted by the Communist Party leadership, and by reason of your official position as an instructor in the Communist Party schools?

Mr. Gladstein: It seems that the document speaks for itself. I don't quite get the question. counsel is asking.

(Testimony of Farrell Schnering.)

By Mr. Myron:

Q. Have you used that document in school work as an instructor?

A. That is right; we did.

Q. Have you taught pupils in classes, in your lecture work, using that as a preparation for your lecture work?

A. The statements contained herein are the Party line.

Q. And that is the Party line which the Communist Party follows and orders you to instruct any members of the Party on?

A. At the time I was a teacher in the school; yes.

Q. Will you interpret, as the Communist Party has asked [487] you to interpret it?

Mr. Gladstein: If I may again state, the question of interpreting of a certain document is the thing that I make my objection to. If counsel is seeking from the witness what his instructions were at the time that he was, as he says, teaching from that particular document, or the contents of it, we don't have any objection to that.

Presiding Inspector: I think that really is his question—"What did you teach on the basis of that instruction?"

Mr. Gladstein: We have no objection to that.

Mr. Myron: I will withdraw the question.

Presiding Inspector: That is what you really asked.

By Mr. Myron:

Q. Was this document circulated and distributed by the Communist Party? A. It was.

(Testimony of Farrell Schnering.)

Mr. Myron: I offer it in evidence, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 129.) [488]

By Mr. Myron:

Q. I show you a pamphlet entitled "Struggles Ahead" theses on the economic and political situation thoughts of the Communist Party, adopted by the Seventh National Convention June 20-25, 1930, published by the Communist Party of the U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) Yes, I recognize this pamphlet and identify it as a piece of literature that was distributed by the Communist Party during the period of my membership in that organization.

Q. And does that contain the doctrines and teachings of the Communist Party?

A. Yes; this pamphlet sets forth the problems that the Party and its members were facing and how far the Party intended to deal with those problems.

Q. And was that circulated and distributed?

A. Rather widely, yes.

Q. By the Communist Party?

A. By the Party.

Mr. Myron: I offer this, your Honor, and ask that a photostatic copy be substituted.

Presiding Inspector: It may be received. Have them both marked.



(Testimony of Farrell Schnering.)

(The document referred to was received in evidence and marked Government's Exhibit No. 130.)

By Mr. Myron: [489]

Q. I show you a pamphlet entitled "Party Organizer" issued January 1933 by the Central Committee, Communist Party, U. S. A., and ask you if you can identify that?

A. (Examining pamphlet) I identify this as a publication of the Communist Party, circulated by the Communist Party.

Q. Does that represent the teachings and doctrines of the Communist Party? A. It does.

Q. And has that been issued and distributed and displayed by the Communist Party?

A. It has.

Mr. Myron: I offer this, your Honor.

Presiding Inspector: It may be received.

(The document referred to was received in evidence and marked Government's Exhibit No. 131.)

By Mr. Myron:

Q. I show you a pamphlet entitled "Guide to the XIIth Plenum, E.C.C.I.", described on the cover as a handbook for propagandists, published by the Workers Library Publishers, Box 148, New York City, and ask you if you can identify that?

A. (Examining pamphlet) Yes, this is a piece of literature that was widely circulated by the Com-

(Testimony of Farrell Schnering.)

munist Party during the period of my membership in that organization.

Q. Does that contain the teachings and doctrines of [490] the Communist Party?

A. It does. This contains the teachings and the doctrines of the Executive Committee of the Communist International of which the American Party is the American Section.

Q. And has that been issued and circulated and distributed by the Communist Party?

A. Yes.

Q. During your membership?

A. That is right.

Mr. Myron: I offer this, your Honor.

Presiding Inspector: It may be received.

Mr. Myron: And ask that the photostatic copy be substituted.

Presiding Inspector: Certainly.

(The document referred to was received in evidence and marked Government's Exhibit No. 132.)

Mr. Myron: You may cross examine.

### Cross Examination

By Mr. Grossman:

Q. Mr. Schnering, are you at the present time employed?

A. No.

Q. When was the last time you were employed?

A. When was the last time I was employed? About 20 months ago.

Q. Where were you then employed?

(Testimony of Farrell Schnering.)

A. WPA. [491]

Q. And for how long before that were you on WPA?

A. For how long before that? I worked on the Federal Writers' Project for a year and I worked on another project for about three months.

Q. And you say about a year and three months you were on WPA?

A. All together I was on WPA about 18 months.

Q. Were you relief or non-relief on WPA?

A. Relief.

Q. Now, was this WPA employment after you left the Communist Party? A. It was.

Q. All of it? A. Yes, sir.

Q. Between the time that you left the Communist Party and the time that you went on WPA did you have any employment? A. What is that?

Q. Between the time that you left the Communist Party and the time that you went on WPA did you have any employment? A. No.

Q. And about how long a period was that?

A. I began working on the WPA first in November, 1935. I was not officially out of the Party until December 30, 1935, but to all intents and purposes I was out of the Party, but the Party and myself had not officially terminated our rela- [492] tionship until December 30, 1935.

Q. During the time that you were in the Communist Party did you have any employment?

A. No; I was too busily occupied as a Communist functionary.

(Testimony of Farrell Schnering.)

Q. How did you support yourself during the time that you were a member of the Communist Party? A. I was on relief.

Q. During that entire time? A. Yes.

Q. Was it State relief or County relief?

A. County, Milwaukee County.

Q. Did you receive any income at all from the Communist Party during that period?

A. From time to time I did.

Q. Can you give me an estimate as to the times that you received such money?

A. I never received—I received it on a weekly basis.

Q. Well, was it stretched through the entire period that you were in the Communist Party?

A. What is that?

Q. Would it stretch through the entire period that you were in the Communist Party?

A. You mean by that, did I, during the entire time I was in the Communist Party, from time to time, receive re- [493] muneration from the Party?

Q. Let me put it this way: During every one of the years you were in the Communist Party did you receive some income from the Party?

A. Some, yes, but in many cases a negligible sum.

Q. What was the maximum amount you received in any one year? What was the maximum amount you received in any one year from the Communist Party?

A. I don't recall. We never paid much attention to that; we were out for power.

(Testimony of Farrell Schnering.)

Q. Can't you give me any kind of an estimate at all?

A. The maximum that I received in any one year?

Q. Yes. A. I am afraid that I can't.

Q. Well, would it be more than a hundred dollars.

A. Would it be more than a hundred dollars?

Q. Yes. A. I would say that it would.

Q. Would it be more than \$500.00?

A. I doubt that.

Q. It might have been, though?

A. It might have been.

Q. How much a week were you supposed to get from the Communist Party?

A. Technically we were supposed to get a salary of \$25.00 a week. I was supposed to get that money from the [494] International Labor Defense as a member of the Communist Party. I was supposed to see to it that the ILD was able to give me that much money.

Q. Were there any weeks when you received the entire \$25.00? A. No.

Q. Did you have any other income during the time that you were working for the Communist Party except the income you received from the Communist Party or the ILD? A. No, I didn't.

Q. And is it correct to say that during that entire time that you were in the Communist Party you had no employment except the employment with the Party or the ILD?

A. That would be a correct statement.

(Testimony of Farrell Schnering.)

Q. Now, how have you supported yourself for the—I think it was, you said, 20 months, since you left WPA, and the time of this hearing?

A. How have I supported myself?

Q. Yes.

A. I have done a lot of lecturing; I have written several magazine articles.

Q. Anything else?

A. Yes; I had a job that I didn't count as a job at all; it only lasted three days. The CIO didn't permit me to work.

Q. Anything else? [495] A. That is all.

Q. Then, to summarize, since you left the WPA you supported yourself entirely on lecturing, writing and a job you had for three days; is that correct?

A. That is correct.

Q. Could you estimate very generally, of course, what your income has been by month, or by year, if you wish to do it that way, since you went off WPA and until this hearing?

A. Oh, I would say I have made about \$800.00 in that 20 months' period.

Q. And you lived on that \$800.00?

A. I did.

Q. Have you ever received any money for lecturing or speaking concerning the Communist Party?

A. I have never received any money for lecturing.

Q. Or speaking?



(Testimony of Farrell Schnering.)

A. Concerning the Communist Party?

Q. Concerning the Communist Party?

A. Yes, sir.

Q. Could you give me the occasions, please, and the amounts of money that you received?

A. I am afraid I can't give you all of them at this time.

Q. Well, give me those that were most remunerative first.

A. Well, for example, I spoke in the City of Racine, [496] Wisconsin, in the month of November, a year ago, and I received a fee of \$25.00 for that lecture.

Q. For whom did you speak?

A. I spoke under the auspices of the American Legion which held a series of winter forums in the public auditorium in Racine, Wisconsin, forums dealing with a variety of subjects.

Q. Will you give me another.

A. I spoke at Mount Mary College in Milwaukee a year ago last February. I received \$40.00 for that lecture. That is a girls' college.

Q. And when was that?

A. A year ago February.

Q. What was your subject?

A. What was my subject.

Q. Yes.

A. I was speaking on the Communist International.

Q. Will you give me another example of one of the most remunerative speaking engagements?

(Testimony of Farrell Schnering.)

A. Yes. I spoke—I gave a talk in the City of Kenosha, Wisconsin, in December, 1939, and for that talk I received \$25.00.

Q. Under whose auspices was that?

A. The auspices of the American Legion.

Q. Would it be fair to say that you have given quite a few speeches under the auspices of the American Legion on [497] this subject?

A. No; I would only be safe in saying that I gave three speeches under the auspices of the American Legion dealing with the subject of Communism.

Q. Is there any organization for which you gave more than three speeches on it?

A. Yes, but I didn't get paid for them.

Q. I beg your pardon?

A. There is an organization that I made many, many speeches before but I didn't receive any payment.

Q. On the subject of Communism?

A. I didn't get any pay for making those speeches.

Q. On the subject of Communism?

A. That is right.

Q. And when was this?

A. This was over the course of the last two and one-half or three years.

Q. And the name of the organization?

A. The Holy Name Society, the Archdiocese of Milwaukee. [498]

Q. Now, am I correctly summarizing your testimony when I state that you lived this entire 20

(Testimony of Farrell Schnering.)

months' period since you went off WPA on a total sum of \$800?      A. That is what I said.

Q. And were you aided in living during that period in the sense that someone paid for part of your living expense or your clothing or something like that?

Mr. Del Guercio: If the Court please, that has already been asked and answered.

Mr. Grossman: All right, I will put it differently.

By Mr. Grossman:

Q. You understand when I speak of your "income" that it may be income in money or it may be income in the form of someone else giving you something of value; you understand that?

A. I understand you.

Q. And that was what you understood when you stated your total income was the equivalent of \$800.00?

A. I told you that I had earned \$800.00 in the last 20 months.

Q. Well, did you earn anything that was in an equivalent of money, not money?

Mr. Del Guercio: I object to that question too.

By Mr. Grossman:

Q. Such as clothing?

Presiding Inspector: I will take it. [499]

Mr. Grossman: Pardon?

Presiding Inspector: I will allow it.

(Testimony of Farrell Schnering.)

By Mr. Grossman:

Q. Such as clothing or rent or such other things as you spent monthly to live?

A. That I earned, you mean?

Q. For your work did you receive anything besides money during this 20 months period?

A. No.

Q. Will you list some of the writing that you did during this period?

A. I wrote a number of articles for a magazine, "America" which was published in New York City.

Q. Will you name another magazine or newspaper, please, for which you wrote?

A. I wrote for "The Catholic World"; I wrote an article called "The Comintern's Parade to Munich."

Q. Can you name any other magazine or publication?

A. I wrote an article for a magazine called the "Liguorian", L-i-g-u-o-r-a-n.

Q. During the period that you were a member of the Communist Party did you conceal in any respect at all that membership?

A. Very frequently.

Q. Were you, during any of that time, an open member [500] in the sense that you informed every one on all occasions that you were a member?

A. 95 per cent of the time I was an open member of the Party because I represented the Party publicly on many, many occasions.

Q. Well, during what part of that period were

(Testimony of Farrell Schnering.)

you an open member and during what part were you not an open member?

A. Most of the time, as I have just stated, I was an open member of the Party because I was a functionary for the Party.

Q. State in months and years, please. Was it the first portion that you were an open member, or, rather, a secret member, and the last portion that you were an open member?

A. There were situations arising from time to time when I was an open member of the Party. Where I went among the farmers and the farmers didn't know that I was a member of the Party, there I denied the fact that I was a party member, but generally speaking, most of the situations which I encountered I was an open member of the Communist Party because I was a functionary for the Party. I could hardly have been a functionary for the Party and have denied my existence as a Party member.

Q. You discussed the International Labor Defense and the Communist Party Control of that organization. Was the Communist Party Control of that organization—when I say [501] “that organization” I refer to it on a national scale as, I think you did in part of your testimony—was this control of the ILD by the Communist Party an open one or a secret one?

A. The International Labor Defense was supposed to be an non-partisan and a non-political organization. Naturally the Party denied the fact that it controlled the International Labor Defense

(Testimony of Farrell Schnering.)

and the International Labor Defense denied the fact that the Party controlled the International Labor Defense.

Q. Would you say that most of the members of the International Labor Defense knew that the organization was controlled by the Communist Party?

A. I would say that there were a large number of them who did.

Q. Would you say that most of them knew it?

A. You are speaking now nationally or of my own organization of the ILD?

Q. Nationally, so far as you know?

A. I would say that the most of them don't know it, didn't know it.

Q. That would go for the entire period that you knew of the organization?

A. I think so.

Q. And what would that period be?

A. I was familiar with the International Labor Defense from the latter part of 1930 until the day I left the Communist [502] Party in December 1935.

Q. Did you have any direct connection with the Communist Party or, rather, have you had any since you were expelled?

A. What do you mean by that?

Q. Well, have you functioned in any group or unit or part of the Communist Party since that time?

A. Since the time I left the Party?

Q. That is right. A. No.

Q. Anything you know about the Communist



(Testimony of Farrell Schnering.)

Party, then, is based only upon those things which are open, I suppose, distributed openly by the Communist Party, or stated openly by the Communist Party or its members; is that right?

A. No; I have friends who belong to the Party at this time.

Q. Then, you have received other information since you left the Communist Party which you don't know of your own knowledge, but you know because of the knowledge of someone who has told you; is that right?

A. That is right.

Q. Do you continue to read the Communist Party press?

A. Oh, yes.

Q. As regularly as you did when you were a member?

A. Not as regularly as when I was a member, but I usually keep pretty good track of it. [503]

Q. Yes. Do you consider that your main business or employment now is writing and speaking on Communism?

A. No, no, I don't.

Q. Are you seeking employment or work in other fields than writing or speaking on communism?

A. I am, but unfortunately I have had quite a tussle with the Communist Party and the Communist domination of the CIO in our own State, in the State of Wisconsin, makes it impossible for me to hold a job at my trade, which happens to be an electric welder.

Q. You undoubtedly were familiar at the time you were receiving relief, when you were working

(Testimony of Farrell Schnering.)

with the Communist Party, familiar with the laws or the rules governing the giving and receiving of relief?

A. That is very correct, but we Communists cared nothing about laws. As a matter of fact, it was a policy——

Q. (Interposing) Just a minute.

Mr. Del Guercio: Let the witness answer. That is a reply to your question.

Mr. Grossman: No; a "yes" or "no" answer will suffice. I am going to allow him to explain too.

By Mr. Grossman:

Q. The answer is "Yes," you were familiar, and you started I think, to explain that you had received relief illegally, did you not? Now, go ahead.

[504]

Mr. Myron: Let him answer, himself.

By Mr. Grossman:

Q. All right, did you, during that period, receive relief illegally? A. I think not.

Q. Why do you say you think not?

A. Because I explained to the Relief Department that I got some money for work that I did for the Party but not enough to live on.

Q. Did you inform the Relief Department as to each of the items of income that you did receive during that period?

A. The Relief Department never questioned me on that score.

(Testimony of Farrell Schnering.)

Q. But you did inform them that you had received some income?

A. I told them that my income was insufficient to support myself.

Q. And that satisfied the Relief Department?

A. Apparently it did because they gave me relief.

Q. And were you obliged to make that statement in writing as to your income when you were receiving relief? A. No, not that I recall.

Q. To whom in the Department was it made generally; to social workers? A. Yes. [505]

Q. Do you know what the rules or the law was, or were, governing the amount of income you were entitled to have and still receive your relief?

A. I was never given any specified sum I would be entitled to have before I could get relief.

Q. You don't know, then, whether there was any limit on the amount of income you were entitled to have and still receive relief from the —

A. (Interposing) I told the Relief Department that my income was insufficient to support me and the Relief Department gave me relief; they gave me a meal ticket.

Q. Then, the social workers, upon being told by you that you had other income but it was insufficient for your needs, never inquired as to the amount of that income; is that correct?

A. Oh, on occasions I told them that I had been paid five or ten dollars by the Party, by the International Labor Defense.

(Testimony of Farrell Schnering.)

Q. Were you ever told after you went off relief—were you ever told that you had been receiving relief illegally by anyone? A. No, no.

Q. In what county was it that you received relief? A. Milwaukee County.

Q. During the entire period? [506]

A. You mean the entire period during which I was receiving relief?

Q. That is right.

A. That is the place I received it.

Q. Could you state for me the address at which you were living during the time that you received relief?

A. Living at 1429 North Aster Street.

Q. During the entire period?

A. During most of it.

Q. And will you state the other addresses?

A. 1247 North 11th Street.

Q. Any other? A. No.

Q. Do you at the present time live alone?

A. At the present time I live with my stepfather and my mother and my stepbrother.

Mr. Grossman: No more questions.

Presiding Inspector: That is all. Anything further?

Mr. Myron: I will just ask one question, your Honor.

Redirect Examination

By Mr. Myron:

Q. You mentioned a moment ago there were times when you denied your membership in the

(Testimony of Farrell Schnering.)

Communist Party while you were actually a member? A. Yes. [507]

Q. That was in accordance with the policy of the Party to do so?

A. Yes, that was in accordance with the policy of the Party to do so.

Q. Under instructions of Party leaders you did so on certain occasions when it worked for the best interests of the Party?

A. If I had revealed by Party membership I would not have been able to accomplish the tasks I had before me.

Mr. Myron: That is all.

(Witness excused.)

Mr. Del Guercio: That is our last witness today. We didn't anticipate finishing so soon and for that reason we didn't prepare another witness.

Presiding Inspector: That is quite natural. You would like to adjourn until tomorrow morning?

Mr. Del Guercio: Until tomorrow morning.

Presiding Inspector: Well, we will adjourn until tomorrow morning.

(Whereupon at 3:00 o'clock p. m. an adjournment was taken until Friday, April 4, 1941, at 10:00 o'clock a. m.) [508]

Court Room 276,  
Federal Building,  
San Francisco, California,  
April 4, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

PROCEEDINGS

Presiding Inspector: We will proceed with the hearing. Call Mr. Chase.

EZRA CHASE

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination

By Mr. Gladstein:

Q. Mr. Chase, by whom are you now employed?

A. I would decline to state in public who I am employed by. I am employed in private enterprise, I might add. I have no objection to notifying the Court by whom I am employed.

(Offering data to the Presiding Inspector.)

Presiding Inspector: I cannot take testimony unless it is in open court.

By Mr. Gladstein:

Q. What is the nature of that employment?

A. Pest control work; structural pest control work.

Q. Will you please give us a description of what kind of work that is?



(Testimony of Ezra Chase.)

A. It is a matter of examining buildings, homes, commercial buildings, for the presence of termites, wood destroying beetles, rot, various kinds of fungi—things of that sort.

Q. Who is your employer?

A. I am going to decline to state publicly.

Q. How long—[510]

A. (Interposing) I don't want a bunch of Communists calling up that place and molesting and jeopardizing my employment.

Presiding Inspector: Just answer the question. Be careful. The witness declines to answer. Do you want to press it?

Mr. Gladstein: I think we are entitled to an answer, your Honor.

Presiding Inspector: I think you can state who you are employed by.

A. I work for the Guaranty Fumigating and Exterminating Company.

By Mr. Gladstein:

Q. And the address?

A. 4826 South Main Street, Los Angeles.

Q. How long have you held that employment?

A. I have been there about three months.

Q. Three months?

A. About two to three months. [511]

Q. Just prior to obtaining that employment what were you doing?

A. I was employed by the Golden State Termite and Pest Control Company.

(Testimony of Ezra Chase.)

Q. Also in Los Angeles?

A. 2116 Labraya Avenue, Los Angeles, California.

Q. For how long a period of time were you employed by this second named organization?

A. Approximately one year.

Q. That takes us back to about the beginning of 1940; is that correct?

A. Yes; roughly.

Q. What was your employment just prior to that?

A. I was working for the United States Housing Authority.

Q. Where?

A. In Los Angeles.

Q. Who was your immediate employer, that is, your immediate supervisor?

A. I can't at the moment recall the man's name; I believe I have his address, oh, Yetter was his name.

Q. Spell it, please.

A. Y-e-t-t-e-r, I believe.

Q. With what department or division of the Housing Authority were you employed?

A. I was an enumerator. [512]

Q. Out of what office did you work?

A. The office locations changed from time to time; part of the time 74 Flower Street in the City of Los Angeles and part of the time it was in a building at First and Broadway which has since been demolished, and for a short period in San Pedro, California.

Q. All told how long were you employed with the United States Housing Authority?

(Testimony of Ezra Chase.)

A. Oh, probably six or seven months.

Q. That would be, in other words, beginning approximately in the middle of 1939; correct?

A. About that.

Q. Unless there were periods between the successive employments during which you were unemployed. Were there such periods of unemployment?

Mr. Del Guercio: I don't understand that question, if your Honor please. Let him elicit that information from the witness.

By Mr. Gladstein:

Q. I am asking the question whether there were periods between the successive employments that you have enumerated, Mr. Chase, during which you were unemployed?

A. No, there was not.

Q. You understand me, don't you?

A. No, there were no periods. [513]

Q. First of all, you understand me, don't you?

A. I believe that I do.

Q. Now, you can answer the question.

A. There might have possibly been a day or two.

Q. But substantially no period of unemployment?

A. Not that I recollect.

Q. All right. Now, we are back to about the middle of 1939 when you became an employee of the United States Housing Authority. What was your employment just prior to that?

A. Just prior to that I had been on the WPA and was transferred from that to United States Housing Authority.

(Testimony of Ezra Chase.)

Q. For how long had you been on the WPA continuously prior to the middle of 1939?

A. Possibly three months; to the best of my knowledge.

Q. Doing what? A. As a night watchman.

Q. Where?

A. On a storm drain project in the vicinity of Florence and Holmes Avenues in Los Angeles.

Q. That brings us to about March or April, roughly, of 1939; correct? A. That is right.

Q. What were you doing just prior to that?

A. I was on relief.

Q. For how long a period? [514]

A. Let's see—well, about where in 1939 now?

Q. We are about in March or April of 1939.

A. Of 1939. From about January of 1938 up to this period I was on relief.

Q. That is from January 1938 until about March or April 1939, the time when you went on WPA, you were on relief?

A. To the best of my memory that is correct.

Q. Was this work relief or—

A. No; I was classed as unemployable for a while.

Q. That brings us back to the first of January, 1938; correct? A. Yes, sir.

Q. Just prior to that what was your employment?

A. I had been employed as an organizer by the Upholsterers International Union, Local 15.

Q. During what period of time?

(Testimony of Ezra Chase.)

A. From about August to about December of 1937.

Q. Did you say to the end of December, 1937?

A. The early part of December, I believe, would be more accurate. That is an approximate date to the best of my memory.

Q. Well, be as definite as you can, please, to assist us, Mr. Chase.

A. Well, I believe the early part of December would be quite accurate.

Q. That would mean within the first two weeks?

[515]

A. It would not go beyond that, no.

Q. In other words, some *were* close to the middle?

A. I know it was after Thanksgiving and that it could have been some time through the early part of December; I would say the very early part of it, it seems to me. [516]

\* \* \* \* \*

Q. Some time shortly before or around the middle of December?

A. I believe it would be before.

Q. What is that?

A. I believe it would be a little before the middle of December.

Q. That is in the year 1937?

A. That is right.

Q. And you stated, I think, that you began this job of organizer in August of 1937.

A. About the first of August.

(Testimony of Ezra Chase.)

Q. And just prior to the first—withdraw that.  
Was that a paid position? A. That was.

Q. What were you receiving?

A. I was receiving \$40.00 a week and car expense.

Q. Now, just prior to August of 1937 what were you doing?

A. I was working for the Sterling Furniture Manufacturing Company.

Q. For how long? A. About one year.

Q. That takes us back to about August of 1936, correct? A. That is right.

Q. Have you now enumerated all of the work that you performed during the period covered by your testimony this mornig? [517]

A. To the best of my memory, I have.

Q. If you had done anything else you would know it, would you not?

A. I can't recollect anything else. We have had rather precarious times and we had to move about from one job to another. I believe that is accurate.

Q. And this includes both remunerative and non-remunerative employment, is that correct?

A. That is right.

Q. When you were an organizer for the Union what was that Union.

A. The Upholsterers' International Union, Local 15.

Q. Of course, you were a member of that organization in order to obtain that position?

A. That is right; yes.



(Testimony of Ezra Chase.)

Q. And it was a paid position in the organization, is that right? A. That is right.

Q. How long had you been a member of that organization?

A. I joined the Union in 1935.

Q. Did you remain continuously a member in good standing?

A. Up until December of 1937; yes.

Q. You mean you did not remain a member of the organization after your organizer's position terminated?

A. Possibly a week or two. [518]

Q. In other words, Mr. Chase, you lost, or your position as organizer for the Union terminated close to the middle of December, is that right?

A. Prior to the middle of December.

Q. Yes. And then for a week or two thereafter you remained a member of the Union, that is, a rank and file member.

A. Yes.

Q. Correct?

A. Yes.

Q. That would, in other words, mean that your membership in the Union would terminate approximately Christmas of 1937?

A. I believe a little before that.

Q. How much before?

A. I cannot remember exactly; I am sorry.

Q. It wouldn't be more than a week before, would it?

A. I am sorry, but I cannot remember distinctly just what that would have been.

(Testimony of Ezra Chase.)

Q. Well, your best recollection is that you remained a member of that Union up until a few days, a couple of days before—

Mr. Del Guercio: (Interposing) I object to this line of questioning. The question has been asked me and answered many times. The witness here has stated that he cannot recollect, [519] and he has given his best recollection.

Mr. Gladstein: I haven't finished the question yet.

Presiding Inspector: He has a right to press him. I will allow it.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. What I want is your best judgment, you understand, Mr. Chase.

A. The things that we are talking about happened during the months of November and December in the main, and it is rather hard for me to remember exactly the dates. I have kept no record.

Q. I appreciate that, but I want you to put your minds to it. Let me see if I have this straight: Shortly prior to the middle of December, 1937, your job as Organizer of the Upholsterers' Union, Local 15, terminated, correct?

A. Will you restate that?

Mr. Gladstein: Read the question, please.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

(Testimony of Ezra Chase.)

A. No, I don't believe that is correct.

By Mr. Gladstein:

Q. State where it is incorrect.

A. On careful consideration, the job as Organizer terminated, I believe, a few days before Thanksgiving of that year.

Q. Then were you incorrect in the testimony you gave me a few moments ago?

A. I acted as Organizer right after that—anyway, I was officially removed from the payroll about that time, but I continued to function in the Organizing Committee. I believe the pay stopped, on careful consideration, about a day or two possibly before Thanksgiving. It is easy for me to be slightly off a week or two. After all, this is quite a ways back. I am trying to remember my dates as accurately as I can.

Q. All right. Let me see if I have this now: As far as the pay received by you from Local 15 for the job of Organizer is concerned, your present testimony is that it terminated around Thanksgiving of 1937, is that correct?

A. Yes, that would probably be the closest date that I could fix to that.

Q. But you continued to act as an organizer without pay thereafter?

A. For a short period, yes; maybe a week or so.

Q. And then you did not continue—withdraw that. And then after the discontinuance of your activity as an Organizer you still continued to re-

(Testimony of Ezra Chase.)

main a member of the organization until shortly before Christmas of 1937, is that correct?

A. That is approximately so.

Q. During the time that you were a member of the Com- [521] munist Party were you sincere about your Communism?

A. I was, yes, up until, oh, possibly about 1936.

Q. Until when? A. About 1936.

Q. What happened at that time to make you change your feeling?

A. Well, events that were taking place in Germany and France, in the general bureaucratic control of the Communist Party, their inability to attract to them the type of Americans that I had hoped would embrace the movement at some time, its complete foreign domination, the high-handed manner in which we were herded about, and a number of things, caused me to turn against the Communist Party.

Q. In 1936?

A. It was about 1936 some time.

Q. What part of 1936?

A. I would say possibly about the middle of 1936.

Q. Feeling that way, Mr. Chase, why did you continue to remain a member of the Communist Party?

A. For several reasons.

Q. State them.

A. I was working in the furniture industry and was a member of a Union that was dominated by the Communist Party from the International on down,

(Testimony of Ezra Chase.)

and it was very hard for me to make a break out of the Communist Party and at the same time [522] be able to hold to my work. I had reached a point where I wanted to injure the Communist Party, and I wanted to take active opposition to them.

Q. That was in the middle of 1936?

A. About that time; yes.

Q. Did you do anything to carry into effect this state of mind that you had reached?

A. Yes, I believe I did.

Q. What?

A. I cooperated with various organizations that were opposed to Communism.

Q. Name them.

A. I unwound some of their work, obstructed some of their recruiting work inside of the Union.

Q. Name them, please.

A. There was a factional dispute going on among the Party members in the Union itself, and one group was trying to gain control of the Communist influence, and the other was trying to achieve exactly the same thing. Each side was trying to stuff the Party unit in there with members so as to gain a greater amount of control over it. I knew that one faction was trying to recruit certain members who were non-Communist in there, and through discussions with those fellows I prevented their joining the Communist Party.

Q. That is to say, from about the middle of 1936 on, [523] while you were a member of the Com-

(Testimony of Ezra Chase.)

munist Party, you were secretly working against the Party, is that right?

A. I believe it could be stated that way; yes.

Q. Is there any doubt about that in your mind, Mr. Chase?

A. No, there isn't.

Q. Then please answer positively.

Mr. Del Guercio: Do you have any objection to his having worked secretly in that manner?

Mr. Gladstein: Just a moment—

Presiding Inspector: I think you have the answer.

Mr. Gladstein: What?

Presiding Inspector: I think you have the complete answer.

By Mr. Gladstein:

Q. Now, Mr. Chase, you said that you cooperated with some organizations in your secret work against the Communist Party, is that right?

A. That is right.

Q. Name them, please.

A. I have cooperated at various times with the Federal Bureau of Investigation, with the American Legion, with the Sheriff's Department of Los Angeles, with the Police Department of Los Angeles, the U. S. Immigration Service, and my information has been freely given to any legally constituted body that wanted it.

Q. And that was beginning when?

A. About 1936.



(Testimony of Ezra Chase.)

Q. Now, when you say your information was "given," what do you mean?

A. I mean that I was taking up active opposition to the Communist Party, and I was cooperating with organizations whom I felt displayed a like interest.

Q. I understand, but you said you were giving information to certain legally constituted bodies, right?

A. Right.

Q. What you mean to say by that is that you transmitted information to them?

A. Yes, about the Communist Party. [525]

Q. I suppose that would take written form as well as oral form?

A. At times, yes, both written and oral.

Q. Both written and oral? A. Yes.

Q. Is that right? A. That is right.

Q. With whom were you working in the Police Department?

A. I used to make reports to Captain Hines of the Red Squad.

Q. Captain Hines?

A. Captain Hines, William Hines.

Q. Of the so-called—

A. (Interposing) Of the so-called Red Squad.

Q. Beginning when; when did you start to make written reports to him?

A. Oh, I believe I made him a written report in possibly some time in 1936.

Q. That is beginning in 1936 and continuing thereafter?

A. From time to time.

Q. Is that correct?

(Testimony of Ezra Chase.)

A. Yes; I was never employed by him; I cooperated with him. If I had any information that I thought would be of interest pertaining to the Party's activity, why, I would give it to him.

Q. What was your designation or number?

Mr. Del Guercio: Just a moment. I object to that. The witness has not said he had a designation or number.

Mr. Gladstein: I am asking the question.

Presiding Inspector: No; your question assumes it.

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein:

Q. Did you have a designation or number?

A. I told him in sending that in I was not going to sign my name to those things, that I would designate them by B-50.

Q. In other words, your number or designation was B-50? A. That would be right.

Q. Is that right?

A. Yes; I wouldn't sign the articles.

Q. Now, on these reports that you sent to Captain Hines, how many all told would you say that you sent him in writing? That includes both in your hand and typewritten, Mr. Chase?

A. It would be very hard for me to state.

Q. Well, give us your best judgment.

A. Oh, probably a dozen or two.

Q. Twelve to twenty-four?

A. Something like that.

(Testimony of Ezra Chase.)

Q. It could be more? [527]

A. Possibly, yes.

Q. And, what in general, would be contained in these reports?

A. The activities of the Communists in the local union, or any others that happened to come under my observation.

Q. You say the activities of the Communists in the local union?

A. Yes; in the International too. This International was also dominated and controlled by the Party.

Q. So that your reports would cover activities that occurred within the union itself, is that right?

A. Communist activity inside the union, I would say.

Q. Well, let me put it this way: You would report, I take it, on the meetings of the Communist groups as such? Correct?

A. Yes, I would at times.

Q. And also you would report on what took place in the union meetings in so far as those meetings reflected what you considered as Communist activities; is that right?

A. Yes, I would. I also made reports to J. W. Buzzel of the Central Labor Council at one time; I forgot to mention that.

Q. I think you said you made a number of oral reports as well. You remember I asked you whether your reports were written and oral and you said "Yes."

A. Yes, they were both. [528]

(Testimony of Ezra Chase.)

Q. How many oral reports did you make to Captain Hines?

A. Oh, it would be hard to state. I could only make—I couldn't even venture a wild guess.

Q. Give us your best judgment, please.

A. I couldn't make a guess; probably 30, 40.

Q. Would these be in person or over the telephone, or both?

A. Over the telephone.

Q. Any of them in person?

A. Oh, I have talked to him from time to time.

Q. In his office?

A. Yes, I was in his office one day.

Q. And any other times besides that?

A. I don't recollect over once.

Q. Where were the other times?

A. Over the telephone.

Q. No; where were the other times when you spoke to him personally to make these reports?

A. I talked to him one time in his apartment.

Q. At his home? A. At his home.

Q. Only once?

A. That is all that I recollect.

Q. Where else?

A. I believe that would be all?

Q. At your home? [529]

A. No, he has never been to my home.

Q. At any other office?

A. Not that I recollect.

Q. At the office of the American Legion?

A. No.

(Testimony of Ezra Chase.)

Q. At the FBI? . . . No.

Q. At the District Attorney's office?

Mr. Del Guercio: If your Honor please, the witness has stated he has not talked to Hines at any other place.

Presiding Inspector: He is trying to refresh his recollection.

Mr. Gladstein: That is correct, your Honor.

A. I believe I met him in the District Attorney's office briefly one time; we exchanged a word or two.

By Mr. Gladstein:

Q. Yes. In the Immigration Service?

A. No.

Q. The Sheriff's office? A. No.

Q. Mr. Buzzel's office? A. No.

Q. Can you think of any other place besides Captain Hines' apartment, the District Attorney's office and Captain Hines' office—

A. (Interposing). Not that I— [530]

Q. (Interposing). Just let me finish. (Continuing)—where you made oral reports to Captain Hines?

A. Not that I could recollect. I have bumped into him possibly a time or two on the street.

Q. You say that you made some reports to him when you met him on the street?

A. No, I did not.

Q. Now, with respect to the written reports, did you retain copies? A. No, I did not.

Q. Of any of them? A. Not any of them.

(Testimony of Ezra Chase.)

Q. In what form did you prepare them, that is, did you write them out in your own hand?

A. Yes.

Q. All of them? A. Yes.

Q. How many copies of your reports would you make? A. One.

Q. Only one? A. Never more.

Q. You never sent a copy of a report that you sent to Captain Hines to anybody else?

A. (No response.)

Q. Do you understand the question? [531]

A. Yes, I am just trying to think. Oh, there has possibly been things in his reports, yes, that went to others, no doubt.

Q. Well, did you yourself send them to others?

A. I believe there was, oh, one instance that I also gave it to J. W. Buzzel.

Q. Anybody else?

A. Not that I recollect at the present.

Q. Did you ever report orally or in writing to any employer in the furniture industry?

A. Never.

Q. Never did that? A. Never.

Q. Do you know what Captain Hines was doing with your reports?

A. I have a fairly good idea, yes.

Q. Tell us.

A. Captain Hines was head of a division of the Police Department whose purpose—

Mr. Del Guercio: (Interposing) Just a moment, if your Honor please. I object to this question. It is a matter not particularly within the



(Testimony of Ezra Chase.)

witness' knowledge as to what Hines did with the information that he received here.

Presiding Inspector: Where did you get this idea that you say you have a pretty good idea? [532]

The Witness: Hines as head of a—what was called the Intelligence Division of the Police Department whose purpose it was to combat subversive activities.

Presiding Inspector: And it is from that that you—

The Witness: (Interposing) And that was my—

Presiding Inspector: (Interposing) (Continuing)—you have your idea as to what was done?

The Witness: That is right.

By Mr. Gladstein:

Q. Did you discuss it with him at any time, as to what he did with the report or any parts of them? A. No.

Q. Never did? A. I never did.

Q. Now, going to these reports, did you ever report to Captain Hines in writing or orally whether the union was contemplating any strike action at any plant?

A. Well, yes, for several reasons I wanted that to be known. Our union had organized a beef squad inside the local union, and there were several plants that were notoriously open shop, and at one time they had secretly declared a strike, or had decided rather, to throw a picket line and to beat up a bunch of the workers at the Universal

(Testimony of Ezra Chase.)

Furniture Company, if they could. And I told Hines that I thought he should send some men down there, that there may be trouble, [533] and there was trouble, even with the presence of the Police.

Q. So you reported to Captain Hines that the union was intending to strike that particular plant?

A. This was predetermined in the Communist Fraction; it was distinctly Communist activity.

Q. Well, now, am I to understand that the union did not contemplate this action?

A. Decisions were always made in the Communist Fraction, and they were introduced on the floor, and my experience in trade unions is they will vote for practically anything that is put to them in the right way.

Q. All right.

A. And the Fraction would invariably have its way and its motions would be carried.

Q. Now, in this particular instance; then, your statement is that the Communist Fraction decided on a strike; is that right?

A. That is right.

Q. And that they proposed that on the union floor and it was adopted, is that right?

A. They usually had what they called a strike committee that was made up of Communists and they would, some time or other, bring up a certain problem pertaining to a shop and would usually ask for power to act.

Mr. Gladstein: Would you please read—

The Witness: (Interposing) And the local would grant [534] them power to act.

—(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. You can answer that yes or no, can't you?

A. No, I don't believe a yes or no answer is hardly adequate on that.

Q. Let me ask it this way: Did the union adopt the idea of starting this particular plan that we are discussing now?

A. This is as I stated before; this action first took place—

Mr. Myron: It has already been answered.

Presiding Inspector: He just wanted to know whether there was action taken by the union itself in favor of the strike in this particular case.

The Witness: To the best of my memory the strike committee had power to act.

By Mr. Gladstein:

Q. From whom did it get that power?

A. In the membership.

Q. Membership of what?

A. Of the local union.

Q. All right. So, as I understand it, the local union authorized a group of its members on a strike committee to declare a strike; is that correct?

A. To act for the union, yes.

Q. In acting for the union? [535]

A. That is right.

Q. Now, as I understand it, you reported that fact and the contemplated strike to Captain Hines; correct?

A. Yes; just prior to that there was a man had his skull fractured in one of those affairs, and a

(Testimony of Ezra Chase.)

bunch of window lights, and all, were kicked out of the factory, and I knew that these fellows were going down there carrying clubs and weapons in their pockets and I didn't want any human injury to be involved in there. It turned out there was a fight there with some heads broken and there were some cars damaged.

Mr. Gladstein: Now, if your Honor please, I move all of this last answer, with the exception of the first word which was "Yes", a direct response to my question, be stricken as non-responsive.

Presiding Inspector: The rest was entirely voluntary but I will let it stand.

Mr. Gladstein: All right, your Honor.

By Mr. Gladstein:

Q. Now, let me just have this clear, Mr. Chase. The union membership created a strike committee; is that right? A. That is right.

Mr. Del Guercio: If your Honor please, I think that is enough of this. He is going into the same matter again. It isn't for counsel's understanding; it is for the under- [536] standing of the Court here.

Mr. Gladstein: This is cross examination, your Honor.

Presiding Inspector: Surely, I understand, but you have covered that particular thing.

Mr. Gladstein: I want it very clear in the record.

Presiding Inspector: If it is only to get a running start, why, I will let you ask it.

(Testimony of Ezra Chase.)

Mr. Gladstein: Thank you, your Honor.

By Mr. Gladstein:

Q. The union membership created a strike committee? A. Yes, sir.

Q. And endowed the strike committee with authority to call a strike?

A. Yes, that could be—

Q. (Interposing) What is that?

A. That is in substance correct.

Q. And the strike committee did call a strike; correct?

Mr. Del Guercio: I object again, your Honor.

Presiding Inspector: This is still getting that strike.

The Witness: I would like to add this: There was not over two or three members in that union that knew that this strike was going to take place against this factory. The members of that union were told to meet at a certain address in [537] Los Angeles and then they were to march over and strike a factory without even being known.

By Mr. Gladstein:

Q. Mr. Chase, did the strike committee declare a strike?

Mr. Del Guercio: Just a minute.

Presiding Inspector: If you know, yes or no.

The Witness: Yes.

Mr. Gladstein: All right.

The Witness: And they had no members in the factory—

Presiding Inspector: (Interposing) Just a

(Testimony of Ezra Chase.)

minute, that is all right. You have answered it.

Go ahead.

By Mr. Gladstein:

Q. Are you opposed to trade unions?

A. No, I am not. [538]

Q. You are a strong advocate of them?

A. I believe in trade unionism, yes.

Q. Therefore, I suppose you would be opposed to what are generally considered anti-labor activities or forces?

A. Yes, I am.

Q. I suppose that would include labor espionage?

A. I have never committed labor espionage.

Q. You would be opposed to it?

A. I have committed espionage against the Communist Party.

Q. But you would be opposed to labor espionage?

A. Yes, I would.

Q. That is to say, spying on trade unions for the purpose of transmitting—

A. (Interposing) Spying on trade unions for the purposes—

Q. (Interposing) Let me finish, please.

Mr. Del Guercio: Is counsel trying to define espionage?

Mr. Gladstein: I am trying to ask a question, your Honor.

Presiding Inspector: Just a moment. Let's hear the last question.

..(The question was read by the reporter as above recorded.)



(Testimony of Ezra Chase.)

Presiding Inspector: Finish the question.

Mr. Gladstein: That is right. Thank you.

By Mr. Gladstein: [539]

Q. (Continuing) —information to employers concerning activities of the Union?

A. Of the Communists in the Union, I would be concerned—

Presiding Inspector: (Interposing) No, no; the question was, in general, whether you were opposed to spying on trade unions?

The Witness: Yes, I am opposed.

By Mr. Gladstein:

Q. For the benefit of the employer?

A. Yes, I am opposed to that, and I have never done any of it.

Q. Never done any of it? A. No.

Q. Never tried to do any of it? A. No.

Q. Ever try to get a job doing any?

A. No.

Q. Ever apply for a job to do labor spying?

A. No.

Q. Never did? A. No.

Q. If you ever had you would remember it?

A. I believe I would.

Q. You don't think a thing like that would very likely slip your mind, do you? [540]

A. I hardly think so.

Q. Never applied, for example, say, to the Pinkerton Agencies to become what is called an industrial investigator? A. No.

(Testimony of Ezra Chase.)

Q. Never did?      A. No.

Q. Or the William J. Burns Agency?

A. No.

Q. Or, say, the Glen E. Bodell Agency?

A. No.

Q. Never did?      A. No, I never.

Q. If you had you would remember it?

A. I have never made no applications to those organizations.

Q. You wouldn't want to do any labor spying for any of those organizations, would you?

A. I would be a guard, or something of that sort, but I wouldn't do labor spying work.

Q. Well, you make a distinction between a guard and an investigator, is that right?

A. Yes; I wouldn't mind being a guard.

Q. But you would be opposed to being what is called an industrial investigator?

A. An industrial spy, I would. [541]

Q. Have all the answers you have given me here been true?

A. To my best—to the best of my knowledge I believe they have.

Q. You have never made an application, oral or written, to any detection agency to do any labor spying or industrial investigation; correct?

A. I asked several of them about jobs as guard at one time.

Q. But you never made a written application?

A. I have no recollection of ever having made a written application.

Q. Well, I want you to think very hard about

(Testimony of Ezra Chase.)

this, Mr. Chase. I want you to tell me whether you have ever made an oral or written application for a job as an industrial investigator, or labor spy?

A. I can't remember that I ever have.

Q. Well, can't you say yes or no?

A. I can't remember that I have.

Q. Well, opposed, as you are, to labor spying, can't you tell me whether you have ever done it?

Mr. Del Guercio: That has been asked and answered, if your Honor please?

Presiding Inspector: I think he has answered that.

Mr. Gladstein: Could I have the last answer?

[542]

(The last answer was read by the reporter as recorded.)

By Mr. Gladstein:

Q. "I can't remember that I have," you say.

Well, Mr. Chase, that indicates to me that it is possible you did——

Mr. Del Guercio: (Interposing) If your Honor please——

Mr. Gladstein: (Interposing) I haven't finished, your Honor; I haven't finished my question.

Presiding Inspector: Let counsel ask the question. Don't answer it.

By Mr. Gladstein:

Q. It indicates to me, Mr. Chase, by your last answer, that it is quite possible you did apply for a job as a labor spy?

(Testimony of Ezra Chase.)

A. No, I have not applied for any job as a labor spy.

Mr. Del Guercio: If your Honor please, I object.

Mr. Gladstein: Can we not have the answer?

Presiding Inspector: No; it isn't any question. You asked what the indication is to you.

Mr. Gladstein: I did ask a question.

Presiding Inspector: You asked whether it was proper as an indication to you. We are not interested in the indication to you.

By Mr. Gladstein:

Q. I will put it this way: Is it possible that you did [543] make such an application?

A. I asked for jobs, yes, at various places, but I didn't specify being a labor spy, and I don't recollect whether I was given an application or not.

Q. Did you ever make an application to become an industrial investigator?

A. I really can't recollect just what was said. It was just a few minutes I spent in a few offices.

Q. Is it possible you did?

A. I hardly think so.

Q. Then, your answer would be "No"?

A. I am not really quite clear on it; I can't remember exactly.

Q. Are you in doubt about this, Mr. Chase?

A. I don't remember.

Q. You mean that there is some doubt in your mind?

(Testimony of Ezra Chase.)

A. I don't remember just what was said. It was so long ago that I have probably forgotten it, but I do know that I have been in agencies; yes.

Q. This is oral conversations that you have had with agencies?

A. To the best of my memory; yes.

Q. You have never made a written application for a job as a labor spy?

A. I don't recollect. [544]

Q. Can't you say "yes" or "no"?

A. No. I just don't recollect that I ever did. I have been to many places for employment and in some instances applications have been given and in some places they haven't.

Q. Is it possible that you did make an application for a job as a labor spy?

A. It could be possible.

Q. It could be?

A. But I have no recollection of it,—I don't remember.

Mr. Del Guercio: Counsel here is attempting to confuse the witness. He uses the term "labor spy" and "labor investigator." I would like to know if there is any position or if counsel has any information that there is a position as "labor spy" with any kind of detective agency, or any other kind of an agency?

Presiding Inspector: I think counsel is within his rights of cross examination.

Mr. Gladstein: Thank you, your Honor.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. Now, let us see—until the middle of 1936 I think you said that you were sincere about your belief in Communism, is that right?

A. Yes, I was.

Q. Did you believe in the overthrow of the Government by force and violence? [545]

A. Yes, at one time I did, and I advocated that theory a number of times.

Q. And I think you testified that you were arrested several times in connection with unemployment activities?

A. I stated "Communist activities."

Q. Were you openly acting as a member of the Communist Party at the time?

A. At various times I was acting openly as a Communist Party member. There were times when I was told to come out into the open, and there were times when efforts were made to sort of cover up my membership.

Q. Did you ever lead demonstrations?

A. Oh, yes; I have led demonstrations.

Q. Did any of them result in riots?

A. Yes.

Q. Then you, as a leader of these demonstrations, guided the incitement to riot?

A. There was one demonstration that took place in the—

Q. (Interposing) Just a moment—can't you answer the question?

A. Yes, I would state it did lead to rioting.



(Testimony of Ezra Chase.)

Mr. Gladstein: I want you to listen to the question and state whether you can answer "Yes" or "No", and if you wish to explain it you may.

Presiding Inspector: Read the question. [546]

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: Do you refer to this one?

Mr. Gladstein: Any of them.

Presiding Inspector: The question isn't clear.

Mr. Gladstein: I will withdraw it and put it again.

Presiding Inspector: You put them all in.

By Mr. Gladstein:

Q. I understood from your testimony, Mr. Chase, that on a number of occasions there were riots resulting from demonstrations by groups, of which you had the leadership, is that correct?

A. Yes.

Q. I am asking you now whether you, as a leader of those groups, were responsible for the incitement to riot?

A. No, I don't believe that I was.

Q. You were not personally? A. No.

Q. You had no intention to see that a riot occurred? A. No, I didn't.

Q. You didn't do anything like that?

A. No. I was trying to keep everything as peaceful as I could.

Q. I see. Was that in line with the Communist Policy? A. Yes.

(Testimony of Ezra Chase.)

Q. To keep everything as peaceful as possible?  
[547]

A. Yes, sir. I was appointed to lead that committee by the Communist Party.

Q. In order to keep things as quiet as possible?

A. No.

Q. For what purpose?

A. I was acting on my own judgment and handling the Committee as effectively as I possibly could.

Q. What was the purpose of handling the Committee?

A. I went as their spokesman before the Relief officials.

Q. What instructions, if any, did you have from the Communist Party with respect to causing a riot?

A. Well, I wasn't instructed to cause a riot; no.

Q. I see. A. Definitely not.

Q. So that any riots which occurred, you say, which did occur, were not in accordance with Communist policy instructions to you?

A. We hadn't hoped to incite a riot; no.

Q. What?

A. It wasn't our hope to incite a riot; we knew it would take place.

Q. Did you ever get paid for being an undercover agent? A. I never received a cent.

Q. Did you receive anything else of value other than money? A. No. [548]

Q. Were jobs found for you? A. No.

(Testimony of Ezra Chase.)

Q. Nobody ever obtained or promised to obtain a job for you in consideration for your services?

A. No; and I have never had such a job.

Q. You were just being an angel, is that it?

A. I was actively opposing the Communist Party.

Mr. Del Guercio: Just a moment—

Presiding Inspector: Just a moment. I will exclude the question.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: I don't know what the figure of speech means.

By Mr. Gladstein:

Q. I want to go back for a minute to the business of labor spying. I think you testified that your best judgment is that you never made a written application to become either a labor spy or industrial investigator, correct?

A. I said I didn't recollect.

Q. Mr. Chase, I am looking now at a copy of the Hearings before a Subcommittee of the Committee on Education and Labor, United States Senate, and popularly known as the LaFollette Committee, published by the United States Government Printing Office, Part 65, and I am looking at page 23734.

I see there an application— [549]

Mr. Del Guercio: (Interposing) May I see that?

Mr. Gladstein: I am not offering it in evidence, your Honor, but I am phrasing a question on it. I

(Testimony of Ezra Chase.)

would like not to be interrupted before asking the question.

Presiding Inspector: You may ask the question.

By Mr. Gladstein:

Q. I see here an application to the Glen E. Boddell Detectives, by a man who gives his name as Ezra Frank Chase. What is your name?

A. That is my name.

Q. And who gives his age in the year 1937 as 41. What was your age then?

A. That was my age.

Q. And who says that he was born in Idaho Falls, Idaho. Where were you born?

A. That is correct.

Q. And who says he was born in the year 1896. When were you born?

A. That is right.

Q. What is that?

A. That is right.

Q. And who gives his then address as 121 E. 119 St., Los Angeles. Where did you live at that time?

A. At that address.

Presiding Inspector: You are asking for the contents of this document? [550]

Mr. Gladstein: No, your Honor.

Presiding Inspector: You have said, "I see here," and then you have asked whether that was correct. I think counsel may examine it.

Mr. Del Guercio: You refused my request to examine it.

Mr. Gladstein: I will let him look at it. I have no objection to him looking at it.

(Testimony of Ezra Chase.)

Mr. Del Guercio: Just a moment. You have shown me this document here, and you have wanted the Court to believe that this witness here made application for a job as a labor spy.

Mr. Gladstein: I do not wish, your Honor, counsel to reveal any of the contents of this document while I have the witness under cross examination. I have that right, your Honor.

Presiding Inspector: Yes. Hand it back to counsel.

(Whereupon Mr. Del Guercio returned the document mentioned to Mr. Gladstein.)

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Is your memory refreshed enough to be able to state whether or not you did file an application with Glen E. Bodell Detectives on December 13, 1937?

A. Well, the information that you have there is correct, yes; there is no doubt about that.

Q. Answer the question that I asked you.

Presiding Inspector: Does it refresh your recollection— [551] “yes” or “no”—on the subject? That means when you heard this do you now remember it?

A. Yes; I remember of talking to the Bodell Agency and of being given, it seems, an application blank, and I think they gave me a stamped envelope, but to my memory it don't seem that I had ever filled it out, or mailed it in.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. Let's go through it. I read here that the applicant in this case filled out it and said that he was married, and had a child named Delores. Did you have a child named Delores?

A. Yes; that is right.

Q. That his mother's name was May Chase. What is your mother's name?

A. That is right.

Q. That her address was 623 Downingtown Avenue, Salt Lake City, Utah. What is your mother's address?

A. You are right again.

Q. And under "Marks or scars" the applicant who filled out this application to the Glen E. Bodell Detectives, stated "Tattoos, right forearm, also on upper right and left arm." Do you have such tattoos?

A. Would you like to see them?

Q. Answer the question. A. Yes:

Q. Do you? A. Yes. [552]

Q. Does this refresh your recollection enough now to be able to state whether you did fill out—

A. (Interposing): Yes, I possibly filled it out.

Q. (Continuing): Let me finish the question before you answer it. Does this now refresh your recollection sufficiently to be able to state whether you filled out and signed an application of the character that I am reading?

A. Yes; I recall that they gave me an application and apparently I must have filled it out. I re-



(Testimony of Ezra Chase.)

call that it laid on the shelf in my closet for several months in my house and I apparently filled it out and mailed it.

Q. What was your purpose in filling out that application?

A. I think that they are an authorized detective agency and that they do quite a variety of detective work.

Q. What kind of work were you trying to do with them?

A. I wasn't interested in any labor spying, but I would have welcomed a job in any factory where there were Communists present. I would have been very glad to have taken a job, yes, and I would take one now of spying in any factory where Communists are involved.

Q. Now, you were seeking, in other words, a job as an industrial investigator, is that right?

Mr. Del Guercio: Counsel has been reading from this application. He has not read it all. He is reading portions of it. The application does not state that the applicant was [553] seeking a job as a labor investigator.

Presiding Inspector: You must not deceive the witness.

Mr. Gladstein: I wouldn't.

Presiding Inspector: I don't know.

Mr. Gladstein: I certainly will not do that, and I will stand corrected if at any time in this proceeding it is shown that I have deceived the witness.

Presiding Inspector: Go ahead.

(Testimony of Ezra Chase.)

Mr. Del Guercio: I say that you have been, and I ask that you show the document to the Court.

Presiding Inspector: Let Mr. Gladstein go ahead.

Mr. Gladstein: Thank you.

Read the last question, please.

Presiding Inspector: I rely on you as a member of the Bar not to deceive the witness.

Mr. Gladstein: Yes, your Honor.

(The question referred to was read by the reporter as above recorded.)

A. I would, yes, where Communism was involved. I think you will find something in there about seditious activities in my qualifications in that line.

By Mr. Gladstein:

Q. Do you remember that now?

A. I am commencing to remember, yes, what I had stated when I was in the office, that I had experience and understood the [554] Communist movements, and I believe that will so state.

Q. In other words, now that you have remembered filling out this application you testify that you stated in the application that your purpose was to do investigation in factories—that would be industrial investigation—of an anti-Communist nature, is that right?

A. Involving seditious activities.

Mr. Myron: Counsel is incorrectly stating the witness' answer.

(Testimony of Ezra Chase.)

Mr. Gladstein: He has answered.

Presiding Inspector: Read the answer, the last answer just now given.

(The answer referred to was read by the reporter as above recorded.)

Presiding Inspector: Proceed.

By Mr. Gladstein:

Q. You were then a member of a labor union, weren't you, at the time you filled out this application? A. No, indeed.

Q. You had already ceased being a member of the union, is that right?

A. Yes. That came right after that.

Q. You are sure of that?

A. At the time that I talked to several agencies it was possibly in December. [555]

Q. You are sure of that, are you?

A. Well, I can't be too sure of my dates in that period because, after all, it was such a short period of time, and there were a lot of things happening at that time, and I can't be too certain because I have kept no records.

Q. Would you change your mind if I read from this application the following: "Are you a member of any lodge or organization: American Legion 'Union Labor Post.' American Federation of Labor. Upholsterers' Union."

A. I was probably not yet out of—well, I had my dues, I think, paid up to January the 1st.

Q. Your answer—

(Testimony of Ezra Chase.)

A. (Interposing): I believe I had my card.

Q. Your answer is now that at the time you filled out the application to the Glen E. Bodell Detective Agency you were a member of the Union?

A. No. I definitely was not then.

Q. Your statement in the application was incorrect?

A. It could be, yes, that I had probably utilized that as a qualification. But I was not employed by that Union.

Q. Well, were you saying something in the application which was incorrect?

A. It could have been that I had utilized that as a qualification, not for the purpose of a serious misrepresentation, though. [556]

Q. Do you remember whether the application required references?

A. They usually do, and I believe that one did too.

Q. Do you remember which persons were used as references?

A. I would have undoubtedly used Captain Hynes as one.

Q. Who else?

A. I couldn't recollect that.

Q. Well, you used a man by the name of R. J. Ruthbard, didn't you?

A. Yes.

Q. Who was he?

A. That is my brother in law.

Q. You used a man by the name of J. A. Reshaw, didn't you?

(Testimony of Ezra Chase.)

A. Those are just character references; yes.

Q. That is to say—by the way, who was Reshaw?

A. He is a real estate operator.

Q. Located where?

A. On Vernon Avenue, in Los Angeles.

Q. Now, you were using these three references to vouch for your character and your integrity, correct?

A. Yes; people that knew me. I think that was all that was required.

Q. How long had you known Captain Hynes prior to the [557] time you made this application?

A. I suppose I have known Captain Hynes probably since about 1931.

Q. No. I mean in the kind of relationship that you sustained toward him at the time that you signed the application to the Glen E. Bodell Detectives.

A. That was probably a year or a year and a half.

Q. Now, in this application you will remember, won't you, Mr. Chase, that there were spaces provided for an applicant to place an "X" after that type of work which he sought, do you recall that?

A. No, I don't.

Q. You don't remember that?

A. No, I don't recollect just what it looked like.

Q. In the one I am looking at there are four such categories, watchman, guard, special police, and investigator. And there is an "X" after the

(Testimony of Ezra Chase.)

word "investigator." Does that refresh your recollection?

A. No, it doesn't. I still don't recollect any of that part.

Mr. Del Guercio: If your Honor please, I believe that counsel's statement here will indicate that he has been deceiving the witness. He has been asking the witness here, based on the information contained in this application, to admit that he has made application for a job as a labor spy and a labor [558] investigator, and he has indicated right now there isn't a single thing in the application that would justify or warrant counsel in asking any questions concerning that.

Presiding Inspector: I will take that into consideration.

By Mr. Gladstein:

Q. Do you remember whether the name of the agency appeared at the top of the application?

A. No, I couldn't state that.

Q. You don't remember that at all?

A. No, I don't.

Q. Would it refresh your recollection if I told you it says "Glen E. Bodell Detectives"?

A. Yes, I know the firm; yes.

Q. Would that refresh your recollection so you could state now whether the application you signed bore that heading?

A. I don't believe that I received an application form from anyone else but Glen Bodell. I



(Testimony of Ezra Chase.)

don't believe I have ever been in possession of any other forms.

Q. So your testimony now would be, would it, that if a name was on top of the application you signed it would be "Glen E. Bodell Detectives"?

A. Yes, I think so.

Q. Underneath there it says "State Prison Board Permit No. 326." Do you remember anything about that?

A. What is that statement again, please? [559]

Mr. Gladstein: Read it, please.

(The question referred to was read by the reporter as above recorded.)

A. No, I don't.

By Mr. Gladstein:

Q. And underneath that, Mr. Chase, is the expression "Industrial Investigations". Do you remember that being on the application?

A. No, I don't.

Q. But if it appears in this document you wouldn't question it was in the application you signed?

A. No. I wouldn't question the document. I just don't recollect it.

Q. Now, under "Remarks" a space is provided in the application for the applicant to make statements of his own. Do you remember anything about that?

A. No, I can't recollect it.

Q. Let me see if I can refresh your memory. Under "Remarks" in the application that I have

(Testimony of Ezra Chase.)

been referring to, the first remark is "Good understanding of subversive activity."—

Mr. Del Guercio (Interposing): If the Court please—

A. I think that is right.

Mr. Del Guercio: Just a moment. I would like to see if counsel is reading that correctly. I have reason to believe, in view of the statements heretofore made, that he is now deceiving [560] the Court in connection with reading this document. I question everything that counsel says.

Presiding Inspector: Very well.

Mr. Gladstein: Very well. I will allow counsel to check. You don't have to hold, because your hand is shaking.

Mr. Del Guercio: So is yours.

Mr. Gladstein: Not as much as yours is.

Mr. Del Guercio: I am not a Communist and you are.

Mr. Gladstein: If your Honor please—

Mr. Del Guercio (Interposing): Well, you didn't have to say that.

Mr. Gladstein: Did your Honor hear that remark?

Presiding Inspector: No. I am blind and deaf today. Go right on.

Mr. Gladstein: Your Honor will recall that in the last question I asked the witness whether there was a space in which he could voluntarily make statements under the caption "Remarks", and I read the first statement: "Good understanding of

(Testimony of Ezra Chase.)

subversive activity", and he said "Yes, that is correct."

Have I misread that, Mr. Del Guercio?

Mr. Del Guercio: Go ahead. I will tell you when you misread it.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. Your answer is you recall it? [561]

A. Yes.

Q. The next sentence is: "Know trade unions and how to deal with them."

A. That is where the Communists are active.

Q. Mr. Chase, that expression, "Know trade unions and how to deal with them"—do you recall writing that?

A. Yes, I do. That means nothing.

Q. Means nothing—next is "Could work as salesman in Dept. store." Do you recall that?

A. Yes.

Q. That is correct, isn't it? A. Yes.

Q. Next is "Do clerical work, good public speaker, machine shop, factory work, quickly adaptable to semi-skilled work." Is that correct?

A. That probably would be correct.

Q. Then "Have worked as a professional still photographer." Is that correct?

A. That is right.

Q. Then "Automobile, aircraft, rubber, meat packing, O. K." Remember that?

A. That is right.

(Testimony of Ezra Chase.)

Q. That is correct, isn't it? A. Correct.

Q. "Date: December 13, 1937." Remember that?

A. What is the date? [562]

Q. December 13, 1937.

A. Yes, that would be about right.

Q. And signed "Signature of applicant, Ezra F. Chase"? Remember that?

A. That is right.

Mr. Del Guercio: Just a minute: "Signature of applicant" is not on there.

Mr. Gladstein: This, of course, is a printed volume and does not contain Mr. Chase's original signature. That is understood.

By Mr. Gladstein:

Q. You don't deny you signed that application?

A. No, I don't deny it.

Mr. Gladstein: Thank you.

Presiding Inspector: Have you read it all now, Mr. Gladstein?

Mr. Gladstein: There are parts that I have not read, but I will introduce the whole thing in evidence, your Honor. We may have further questions on this.

I may say, your Honor, that this is the only volume I have, and I prefer to be entitled to make a photostat of this particular exhibit. You see this occurs in a book and there is printing on the opposite side.

Presiding Inspector: How much longer is it than what you have already read? [563]

(Testimony of Ezra Chase.)

Mr. Gladstein: There is quite a good deal of personal, intimate details, such as observations of physical description, and so on, things of that kind, questions as to the use of firearms, and so on. It would take perhaps five minutes to read it into the record.

Mr. Del Guercio: Why not read the whole thing into the record?

Mr. Gladstein: I don't have any objection to that.

Presiding Inspector: That perhaps will be the easiest way out.

Mr. Gladstein: I will read it now.

Mr. Del Guercio: May I check you?

Mr. Gladstein: Yes, by all means, Mr. Del Guercio.

I am afraid that Mr. Del Guercio wouldn't read it loud enough for the reporter to hear it.

Presiding Inspector: Never mind; proceed.

Mr. Gladstein: (Reading.)

(The document read by Mr. Gladstein reads in words and figures as follows, to-wit:)

### EXHIBIT 10553

(Front of Application)

Glen E. Bodell Detectives

State Prison Board • Permit No. 326

Industrial Investigations

510-513 Fay Building, Los Angeles

Application for Employment as: [564]

Investigator: X. Special Police: Guard: Watchman:

(Testimony of Ezra Chase.)

Name in full Ezra Frank Chase. Age: 41.

Where born: Idaho Falls, Idaho. Year: 1890.

Previous residence: Salt Lake City, Utah. Number years: 6.

Present address: 121 E. 119 St—L.A., Phone Number: TW 5478.

Married: Yes. Names and ages of Children: Dolores, 8.

Name of Parents of living: ~~May Chase~~ (Mother).

Address: 623 Downington Ave. Salt Lake City, Utah.

Physical description: Athletic. Weight: 170. Height: 5'9".

Build: Med. Stout.

Complexion: Ruddy. Color of hair: Brown. Eyes: Blue.

Marks or Scars: Tattoos—rt forearm also on upper right and left arm.

Observations of Physical Description: Partially Bald. Wear Glasses. Reg. Features.

Number of years of police experience:

Formerly employed by: Communist Party, 6 yrs;

Upholsterers Union, 2 yrs.; Sterling Furniture Mfg.

Co., 1 yr. "upholsterer." L. A. Swift & Co., 1 yr.

(Bethlehem Steel Co., 6 mos. Blast Furnace) Penna.

Hercules Powder Co., 3 yrs Shell machine) Utah.

Number of years: 6 c. p. Address: Los Angeles.

Phone:

In what capacity: Organizer, Upholsterer, Clerical, Laborer.



(Testimony of Ezra Chase.)

Cause of Leaving: Left Communist Party—objective obtained.

Are you an ex-service man: Yes. Outfit: U. S. Navy.

Honorable discharge; yes: Yes. No.: #121-13-26. [565]

Are you a member of any Lodge or Organization: American Legion, "Union Labor Post." American Federation of Labor. Upholsterers Union.

Have you ever been convicted of a felony: No.

Do you own property: Yes. Description: 4R. Cottage, 121 E. 119 St.

Do you own an automobile: Yes. Make: Dodge. License No. 4U5563.

Color: Dk. Green. Legal owner: Self.

Have you ever been involved in a serious automobile accident: None.

Q. Where: None. When: None.

Do you own a side arm: No. Make: No.:

Do you own a Rifle: No. Make: No.:

Do you own a Pistol: No. Make: No.:

Are you familiar with the use of guns: Yes.

(Back of Application)

Give names of three references as to character and integrity who can be interviewed by phone or personal call.

Name: R. J. Ruthbard. Address: 601 Cloverdale. Phone No. WH 6119.

Name: Capt Wm. F. Hynes. Address: Klinker Bldg. Phone No. MU 4891.

(Testimony of Ezra Chase.)

Name: J. A. Reshaw. Address: 142 W. Vernon.  
Phone No. CE 20715. [566]

NOTICE

The applicant for a position with the Glen E. Bodell Industrial Investigators makes this application with the full understanding that if he is employed by this organization, he will of his own free will and accord submit his finger prints for the purpose of identification as to previous character. And same will be the property of Glen E. Bodell Industrial Investigation Service.

Your Social Security Account No.: 551-03-3574.

Do you have a gun permit issued: No. No.: No.

Date: No., Revoked: No.

Are you a Commissioned Special Police Officer or Deputy Sheriff: No.

Have you been fingerprinted: Yes. By whom: L.A. Police Dept.

Date: Remarks:

Good understanding of subversive activity. Know trade unions and how to deal with them. Could work as salesman in Dept. Store. Do clerical work, good public speaker, machine shop, factory work, quickly adaptable to semiskilled work. Have worked as a professional still photographer.

Automobile, Aircraft, Rubber, Meat Packing.  
O. K.

Signature of Applicant: Ezra F. Chase.

Date: December 13, 1937.

(Testimony of Ezra Chase.)

Presiding Inspector: What is the date? [567]

Mr. Gladstein: December 13, 1937.

Presiding Inspector: You may proceed.

By Mr. Gladstein:

Q. Now, Mr. Chase, at the time you made your application to the Glen Bodell Detective Industrial Investigations did you know what kind of a reputation, if any, that organization had in organized labor?

Mr. Del Guercio: Just a minute, if your Honor please.

Would you mind reading that question again?

Presiding Inspector: Read the question, Miss Reporter.

(The question referred to was read by the reporter.)

Presiding Inspector: That is a double question, but at the same time, I think the witness can answer that.

Mr. Gladstein: Thank you.

Presiding Inspector: He may say he doesn't know that it had any.

A. The local that I represented used to hire their agents as guards up in the dances that they gave.

By Mr. Gladstein:

Q. Now, what kind of a reputation did the Glen Bodell Agency have with respect to union or strike activities among trade unions?

Mr. Del Guercio: Just a minute.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. If you know that?

Presiding Inspector: That is, if it had any, and if he [568] knows.

Mr. Gladstein: If it had any, and if he knows.

A. I have heard little or nothing about it.

By Mr. Gladstein:

Q. None at all? None at all?

A. Well, our union there had a little discussion about our union hiring special police from the Bodell Agency to be present at the dances.

Q. When was that?

A. At one dance in particular; I believe it would have been held in November, 1937. The armed officer that was at that dance to keep order was from the Glen Bodell Agency.

Q. Where was the dance held?

A. 121 West 18th Street.

Q. What kind of a place is that?

A. That was the Upholsterers Union Headquarters. They had a large auditorium used for dancing and a beer permit.

Q. Who hired the guard?

A. I don't know; someone in the union hired him.

Q. Did you?

A. No; it would have been Walter Westfall or William Standera who made the arrangements.

Q. Now, at the time that you made your application to the Glen Bodell Agency, did you know

(Testimony of Ezra Chase.)

whether the Glen Bodell Agency had a reputation of providing strike breakers and labor [569] spies in industrial disputes?      A. No, I didn't.

Q. Or in unions?      A. No, I didn't.

Q. You didn't know about that?      A. No.

Q. Did you know whether the Bodell Agency had a reputation of having provided strike breakers and labor spies in the Salinas lettuce strike in the year 1936?      A. No.

Presiding Inspector: Whether they had a reputation for it?

The Witness: No, I didn't.

By Mr. Gladstein:

Q. You didn't know that?

A. No, I didn't.

Q. Now, during these conversations you had with Captain Hines, which, I think you said, was about the middle of 1936 on—is that correct?

A. Yes, to the best of my memory.

Q. Well, we want everything according to the best of your memory. You understand that?

A. Yes, sir.

Q. Now, during that period of time in your conversations with Captain Hines did he give you any advice as to how to achieve your objectives? [570]

A. Never.

Q. Never at any time?      A. No.

Q. He just took your reports and said nothing?

A. There was a time or two that he asked me about Communist activity of various natures, but

(Testimony of Ezra Chase.)

my reports were voluntary at all times. I was under no obligation to him.

Q. Well, I understood that from your testimony this morning, but I am now trying to find out whether you discussed these reports with him and whether Captain Hines made any suggestions to you? A. No, I recollect no such a thing.

Q. You felt that he was satisfied with your reports and had no suggestions to make?

Mr. Del Guercio: I object, your Honor, to the form of the question. That isn't a question to ask of the witness.

Presiding Inspector: I think the witness may answer; he is well able to take care of himself.

A. I hadn't never given it any thought from that viewpoint.

Mr. Gladstein: Well, will you listen to the question, Mr. Chase, and see whether you can answer it more directly than the answer you have given?

The Witness: I believe I understood it.

Presiding Inspector: Read the question, Miss Reporter.

(The question referred to was read by the reporter.) [571]

The Witness: I never gave it any consideration, whether he was satisfied or not. Certain Communist activity took place and I reported the facts as I saw it.



(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. And he never made any suggestions to you; is that right? A. No.

Q. Is that correct? A. That is correct.

Q. Then it would be your testimony, would it, that Captain Hines never suggested to you that you should do what you could to stir up the membership of the union?

Mr. Del Guercio: I object, your Honor.

A. No, I have no such recollections of anything like that; it is ridiculous.

By Mr. Gladstein:

Q. He never did that?

A. Not to my knowledge.

Q. He never suggested that you should stir up the membership on the proposition that there was too much secrecy on the part of the union?

A. No, no.

Q. He never made any such suggestions?

A. No, no.

Q. Did you ever try to stir up the membership because [572] of too much secrecy in the union?

A. I don't recollect anything of that nature.

Q. It is possible that you did?

A. I hardly think so.

Q. Are you uncertain when you say "I hardly think so?"

A. Well, your question is pretty broad.

Q. Well, let's put it this way: Did Captain Hines ever suggest to you that you try to stir up the mem-

(Testimony of Ezra Chase.)

bership because of the absence of financial reports in the union?

A. Well, there was a great deal of dissension going on in the union regarding financial reports which were seldom given and never correct. There was discussion that was quite general inside the union, and it didn't require any stirring up on that line.

Q. Did you yourself attempt to do any stirring up on that line?

A. I, at different times, did want to see a more careful accounting of the union's funds. There was money being spent for beef squads and things of that sort that the members didn't know about. On one instance there we paid \$50.00 to Chester Jordan to get the Longshoremen's Beef Squad up there to beat up a few workers at the Kroehlar strike, a few things of that sort. There was probably \$500.00 in a safety deposit box at the disposal of the beef squad that members of the union would have liked to have known a little more about. [573]

Q. Now did you, yourself, then use that to stir up the membership on the incorrectness or absence of financial reports?

A. No, I can't recollect that I ever did make any serious issue out of it.

Q. It is possible that you did?

A. Oh, I have commented on it, I believe, at times, but I don't believe to the extent that it would have stirred up the union to any extent.

(Testimony of Ezra Chase.)

Q. Did Captain Hines suggest that you do any of that? A. No.

Q. Never did?

A. I have no recollection of any such thing.

Q. Do you remember a meeting in your local union in March of 1937 when you were running for office as a delegate to the convention?

A. Yes, I do remember such a meeting.

Q. And do you remember that you were not elected as a delegate because the San Diego members of the union cast their votes for an opponent of yours by the name of Yost, Y-o-s-t?

A. Yes, I remember that very well.

Q. Did you tell Captain Hines about that?

A. Yes, I believe I did, because it was a pretty clever piece of party conspiracy. [574]

Q. What did you tell Captain Hines?

A. I think I gave him an idea of the way the Communists in the union had maneuvered that election.

Q. In writing?

A. I remember distinctly that I had a majority of the votes out of the floor, and the Communist Fraction authorized Walter Westfall to call San Diego to take their votes by phone, and they brought in 26 votes in a solid block.

Q. So, do I understand that you wrote a report and sent it to Captain Hines?

A. I believe I did write that out and sent it to him, yes.

(Testimony of Ezra Chase.)

Q. Do you recall what else you said in that report?

A. No, I wouldn't; I had no copy of it.

Q. Did you tell Captain Hines in your report, Mr. Chase, that you jumped up and made a motion that the election was valid and legal, and so forth? You remember doing that, don't you?

A. No, I don't recollect at the time just what I did.

Q. Do you remember telling Captain Hines in this written report that you had expected soon to get Westfall and a man named Standera and Silva out of the Communist Fraction?

A. Yes; they were wavering; they were about to pull away from it; the whole three of us were about to pull away from the Communist Fraction. [575]

Q. That is right. You intended to get them to pull away and expected to do so?

A. Yes, that was correct.

Q. That was in your report to Captain Hines?

A. I don't recollect whether it was in the report or not, but that was the state of affairs.

Q. Then, it is quite likely that it was in the report? A. Yes, it could have been, yes.

Q. And you were the person, that is, you were working on Westfall and Standera and Silva to get them out of the Fraction?

A. Yes, I wanted to separate them from the Communist movement.

Q. Then, as a matter of fact, your purpose, I take it, would be to do what?

(Testimony of Ezra Chase.)

A. We wanted to eliminate the Communist Party in that local.

Q. So that you could rebuild the union under the control of yourself, Stander, Westfall and Silva; correct?

A. The better way to do it would be that we could get it out from the influence of the Communist trade union commission which we were resentful of at the time.

Q. But your purpose there would be, would it not, in separating these three men whose names you have mentioned, that it would give you control and enable you to rebuild the union? [576]

A. Yes, we would have had control, then, and we could have rebuilt the union without interference and without making money donations and this and that to various phases of the Communist program, which I was honestly resentful of, and I believed the other three too felt that way about it.

Q. And you reported that to Captain Hines?

A. Yes, I believe I did.

Q. Did you ever use any other name besides Ezra F. Chase?

A. In the party, yes; I have used a couple of names.

Q. Well, outside of your party names?

A. I don't recollect, now.

Q. Ever use R. F. Chase? A. No.

Q. Rubin F. Chase?

A. Not to my knowledge; I don't recollect anything like that.

(Testimony of Ezra Chase.)

Q. Aren't you sure about that?

A. No, I have never used the name Rubin F. Chase.

Q. Frank Chase?

A. Frank Chase is my real name.

Q. You have used that, then?

A. Yes, I have; that is my true name.

Q. Have you used—well, your true name is Ezra Frank Chase?

A. Ezra Frank Chase. [577]

Q. You have used Frank Chase?

A. I have went both by the name of Ezra Chase and Frank Chase; I am known that way at the present time.

Q. Ever use the name of Rubin Chase?

A. No.

Q. What was the designation which you said you sent your reports under to Captain Hines?

A. I used to just scratch B-50 on them.

Q. Was there ever any change of designation during the time that you were signing reports?

A. No.

Q. Never?

A. Not that I recollect, any other change.

Q. You mean you don't recall, but it is possible that there was a change?

A. I hardly think that it is possible.

Q. But you are not sure?

A. Well, I believe that I would state that I am sure of that.

Q. You believe you would state that you are sure?

A. Yes, sir.



(Testimony of Ezra Chase.)

Mr. Del Guercio: If your Honor please—

Presiding Inspector: (Interposing) Oh, that is a matter of speech.

By Mr. Gladstein:

Q. Did you ever apply for a job with the Pasadena [578] Police Department? A. Never.

Q. Or the Chief of Police in Pasadena?

A. Never; I have never met them, never had any conversation with them whatever.

Q. Now, at this meeting where, as you described it, you lost the election as a delegate to a forthcoming convention because of the San Diego votes—

A. Yes, sir.

Q. (Continuing) There was also elected a full time Secretary and Treasurer; remember that?

A. Yes, sir.

Q. At a salary of \$40.00 a week; correct?

A. Yes.

Q. And expenses? A. Yes.

Q. You reported that to Captain Hines, didn't you?

A. Yes, I—no, I don't know that I did; I possibly might have, did, yes.

Q. The union at that time was in a bad state financially, wasn't it?

A. Yes, we probably were about that time in very bad shape for money.

Q. And, of course, you told Captain Hines that?

A. I might have done.

Q. When did you first establish contact with

(Testimony of Ezra Chase.)

Captain [579] Hines with respect to the relationship which you are now discussing, that is, in giving him information?

A. I think that has already been asked and answered.

Q. I want as near as——

Mr. Del Guercio: (Interposing) If your Honor please, the witness has already stated that.

Presiding Inspector: I think he has.

Mr. Del Guercio: He stated it over and over.

By Mr. Gladstein:

Q. Well, you said it was about the middle of 1936, I think?

A. Yes, sir.

Q. Is that right?

A. That is what I said.

Q. How did you establish that contact?

A. I happened to run into Hines and he asked me how I was getting along in my revolutionary activity. I let him know that I was not in accord with the Party. I told him that I was no longer in accord with the Party.

Q. What did he say?

A. He said, "What is the matter? Are you losing confidence in your future governors?"

Q. Then, what did you say?

A. Oh, a little idle chatter took place. I don't recollect the conversation that I had some years back.

Q. Where did this conversation take place? [580]

A. I think it was along Broadway.

Q. Who else was present, if anybody?

A. No one else.

(Testimony of Ezra Chase.)

Q. Just the two of you?

A. Just the two of us.

Q. What else happened in this conversation?

A. I don't think anything else took place. Oh, I told him at the time—yes, I remember definitely now I told him at the time that I would be very glad to give him material that he could use, that would be useful in opposing Communism.

Q. You told him that on the occasion of this meeting?

A. Yes.

Q. And what did he say?

A. Well, he said something to the effect that I could probably help him out from time to time.

Q. And how soon thereafter did you start making reports to him?

A. Oh, I don't recollect just how soon. I made him some reports, yes.

Q. Well, now, you must have worked out your method of sending reports to him; or speaking to him orally at that conversation or later on, I take it?

A. Oh, I had his phone number.

Q. Well, when did you get that? [581]

A. I think I got it from him the time I was talking to him. He told me to give him a ring sometime.

Q. At this first conversation when you said you would supply him with information; is that right?

A. Yes, I think he gave me his phone number at that time.

Q. Well, what else was said with respect to your reports?

A. I don't recollect anything else being said. We only talked for a moment or two.

(Testimony of Ezra Chase.)

Q. Well, didn't you discuss the question of whether you should sign your reports?

A. No, we didn't.

Q. Not at that time? A. No.

Q. When did you?

A. I don't recollect that there was ever any discussion over it.

Q. You never did sign actually your reports?

A. No, I didn't sign any.

Q. Well, what arrangements were made so that he could tell from whom he was getting the report?

A. I told him what I would put on them.

Q. What did you tell him?

A. I told him that I would put an identifying mark of B-50 on them. [582]

Q. And what did he say to that?

A. I don't think he made any comment of any amount; might have said "All right."

Q. Who suggested that number? You or he?

A. I did.

Q. What did he say?

A. Nothing that I recollect.

Mr. Del Guercio: If the Court please, I think I will enter another objection here. We are getting far afield. This is cross examination for one purpose and this is apparently an inquisition here for another purpose.

Presiding Inspector: Well, I assume that Mr. Gladstein has some purpose in this.

Mr. Gladstein: That is right, your Honor.

(Testimony of Ezra Chase.)

Presiding Inspector: Of course, it isn't fully apparent to the Presiding Examiner. Every question on both sides is asked several times.

By Mr. Gladstein:

Q. Going back for a moment to that March meeting in the union, Mr. Chase, when the San Diego telephone votes defeated you when you were running for delegate, although you were defeated as a delegate to the convention, in another respect it was really very helpful to have the thing happen that way, wasn't it?

Mr. Del Guercio: Just a minute, your Honor.

Presiding Inspector: I didn't understand that.

[583]

Mr. Gladstein: Your Honor, I may say this is preliminary to something which I represented to your Honor that I have reasonable ground to believe is appropriate. Now, I would prefer not to—

Presiding Inspector: (Interposing) Well, I don't quite understand the question.

Read the question again.

(The question referred to was read by the reporter.)

Presiding Inspector: Helpful to him?

Mr. Gladstein: Yes, helpful to Mr. Chase.

Presiding Inspector: Very well.

A. No; if you feel that I would have capitalized upon that for disruptive activity you are mistaken, because when I took office in that union as organizer, their funds were in a very bad condition; they

(Testimony of Ezra Chase.)

practically had none. Their membership was possibly less than 200 and a great part of them were in bad standing, and under my leadership in the union it went to a paper membership of 1800. The members that were totally paid up to date, I believe, would have approximated 1100, there being about 400 that were either wholly or partially in good standing. I organized, during my time in that union, many factories that no one would dispute that they had put forth every effort to organize for a number of years. I could name a number of those factories. I was sincerely out to organize and to get as many people into [584] the union, and to negotiate agreements where wages, hours and conditions would be obtained.

By Mr. Gladstein:

Q. Well, let's get back to this meeting, Mr. Chase. I am trying to find out if this isn't—

Presiding Inspector: (Interposing) This is an explanation, I suppose, why it was not helpful to him?

By Mr. Gladstein:

Q. Well, as I understand it, you were trying to break off certain people from the Communist Fraction, you said? A. Yes.

Q. Yes, and the manner in which these votes from San Diego came in was considered pretty raw, was it, against you?

A. It was very raw, yes.



(Testimony of Ezra Chase.)

Q. And there was some dispute in the membership, I take it?

A. The membership was quite demoralized by the way the thing was done because the majority of them on the floor had voted for me.

Q. Yes. So, in other words, that disgust at the way you were defeated would, in a way, because of the way you were defeated, help you with the membership; isn't that correct?

A. Yes, it might have helped me some. [585]

Q. Yes. Now, as I recall your testimony, Mr. Chase, you were present at two meetings where Harry Bridges spoke. One was in an auditorium and the other was at a place on Washington Boulevard?

A. That is correct.

Q. Those are the only times?

A. Those are the only times, yes.

Q. Now, let's take first the meeting in the auditorium. What auditorium was that?

A. The Olympic Auditorium.

Q. A large auditorium?

Q. Yes, it is quite large.

Q. How many people attended?

A. I could only venture a guess; probably a couple of thousand.

Q. Was it open to the public?

A. Yes.

Q. Advertised?

A. Yes.

Q. Who were the speakers?

A. Harry Bridges, a Mr. Latham of the Hawaiian Steamship Lines, I believe and there was a Minister

(Testimony of Ezra Chase.)  
from Boyle Heights. Aside from that I recollect  
no other speakers.

Q. What was the subject of discussion?

A. The labor conditions in the maritime industry,  
to the best of my memory. [586]

Q. Do you remember anything that Harry  
Bridges said that night?

A. No, I don't recollect anything definite that  
he stated there.

Q. All right. Now, the other meeting, I think,  
you said was somewhere on Washington Boulevard?

A. Yes, sir.

Q. What was that address?

A. 1210½ West Washington Boulevard.

Q. What kind of a place was that?

A. That was the union headquarters of the  
Longshoremen and Warehousemen's Union.

Q. What kind of a building was it, can you  
tell us?

A. It is a two-story building.

Q. What was it used for aside from an office,  
if anything?

A. I couldn't recollect just what is on the ground  
floor, whether that is apartments or whether it is  
business. I couldn't recollect definitely just what  
is there.

Q. What time did that meeting take place?

A. I think it was called for about 10:00 o'clock  
in the morning.

Q. Do you remember the date?

A. It would be about September or October, as  
nearly as I remember. [587]

(Testimony of Ezra Chase.)

Q. Well, which?

A. I believe about September.

Q. When in September?

A. I don't remember the exact date.

Q. Well, do you remember what part of the month?

A. I believe it would have been toward the latter part of the month.

Q. During the last two weeks?

A. Yes, I believe that that would be quite close to it.

Q. Closer to the end of the month or closer to the middle of the month?

A. Well, now, it is a pretty hard matter to remember just the exact date of events that took place several years ago.

Q. You wouldn't want to be positive?

A. I would be better informed as to who was there.

Q. I will get around to that, too.

Now, do you know how the meeting was called?

A. I know how I got my call.

Q. I didn't ask you that. I said, "Do you know how the meeting was called?"

A. No, I don't.

Q. What kind of a meeting did that purport to be?

A. My understanding of it was that it was to be the policy that the A. F. of L. unions and party members were to be guided in moving A. F. of L. unions into the CIO. [588]

(Testimony of Ezra Chase.)

Q. Did you get that understanding from what was said during the meeting? A. Yes, I did.

Q. You got that from the discussion during the meeting itself— A. Yes.

Q. Let me finish, please, Mr. Chase. Just a moment.

Presiding Inspector: Well, he can't tell when your question ends. That seemed to be all. Don't scold the witness.

Mr. Gladstein: I am sorry, your Honor.

Presiding Inspector: Now, if you want to add anything to the question, add it.

By Mr. Gladstein:

Q. I want this very clear, Mr. Chase. Did you get from the speeches made at that meeting in the Warehouse Hall the idea that the policy was being laid down as to what A. F. of L. and Communist Party members were supposed to do on the question of CIO affiliation?

A. Yes, I had that impression.

Q. From what did you gain that impression?

A. From the remarks of the speaker and from the instructions that I received, and from whom I received them, to go to that meeting.

Q. Well, now, let's confine ourselves to the meeting itself for the moment. [589]

What remarks were made during the meeting itself which gave you the idea that a policy was there being laid down for what A. F. of L. and Communist Party members were to do with respect to CIO affiliation?

(Testimony of Ezra Chase.)

A. Well, there was confusion in Los Angeles as to the best procedure to follow in getting unions and union members over to the CIO. Many of them in the local of which I was a part were wanting to go out and set up a local and affiliate with the CIO, create a new union in the industry, take what members they could get and move over to it; some of them had that idea. There was others that wanted to put it to a vote on the floor of the union and to move the local union over. And this meeting was—it was outlined by Bridges that they weren't to split the unions, the locals, but they were to elect delegates to central bodies and, I believe, to national conventions and things of that sort, to work to the movement of the entire International, if possible. That, in substance, is what I think the meeting was about.

Q. Well, I asked you what remarks were made by Bridges or any other speaker at this meeting from which you derived the conclusion that the policy was being laid down at that meeting for members of the American Federation of Labor and members of the Communist Party with respect to CIO affiliation?

Mr. Del Guercio: Just a minute, Mr. Witness, please.

The Witness: Yes. [590]

Mr. Del Guercio: I object to the question as having been asked and answered several times, if your Honor please. The witness has given an answer.

(Testimony of Ezra Chase.)

Presiding Inspector: I am not quite sure whether he has answered it or not. He may have answered it.

Mr. Gladstein: I don't think he has.

Presiding Inspector: I think I will allow him to answer it again.

Now, the question is as to what the remarks made at the meeting were in this respect?

The Witness: He was laying down a policy that would be followed—to be followed by A. F. of L., and CIO unions, too, for that matter, in furthering the program of the CIO and moving A. F. of L. unions into the CIO, but the important part of it was that my instructions came over the telephone from the organizer of the Communist Trade Union Section, that I would have to attend the meeting or suffer disciplinary action; and to take two other Communist officers of the local union with me, where Harry Bridges was to lay down the line.

By Mr. Gladstein:

Q. Now, Mr. Chase, a while ago, when I asked you what you relied on for your conclusion that Harry Bridges was laying down a policy for Communist Party members at this meeting, you said first remarks at the meeting, and second the instructions you got over the telephone. Remember that?

[591]

Mr. DeBGuercio: Just a minute, if your Honor please. I object to that as being argumentative.

Mr. Gladstein: No, your Honor. This is introductory—



(Testimony of Ezra Chase.)

Presiding Inspector: (Interposing) I am not sure whether that is exactly right or not. It may be or it may not.

By Mr. Gladstein:

Q. Well, is that correct?

Mr. Del Guercio: Just a minute, please.

Mr. Gladstein: He just said "Yes".

Presiding Inspector: Let the witness answer that and then explain it.

Mr. Gladstein: Thank you.

By Mr. Gladstein:

Q. Did you say "Yes" to that question, Mr. Chase?

A. No, I haven't given you a "Yes" or "No" answer to that question.

Q. I thought I heard you say "Yes"?

A. I don't think it should be answered as such.

Q. I think the Judge will be the judge of that.

Presiding Inspector: I am going to let you explain. Now, go ahead.

The Witness: It has long been understood among Communists in the trade union movement—

Presiding Inspector: (Interposing) No, that will hardly do. [592]

Mr. Del Guercio: I don't understand the question myself.

Presiding Inspector: Read the question.

The Witness: Read the question.

Mr. Gladstein: I will go way back, your Honor.

(Testimony of Ezra Chase.)

Mr. Del Guercio: Let the stenographer read the question.

Mr. Gladstein: Your Honor, I do not wish to take advantage of the witness in any way.

The Witness: No, of course.

Presiding Inspector: No, but we will have to have order; no comments.

Mr. Gladstein: Yes, I will review this just briefly.

By Mr. Gladstein:

Q. Mr. Chase, you recall that a little while ago I asked you what it was that occurred upon which you formed the conclusion that Harry Bridges was laying down a Communist Party policy at this meeting on Washington Boulevard; you remember that? A. Yes.

Q. Don't you? A. Yes.

Q. All right, and you answered me, first you said because of remarks that were made at this meeting at Washington Boulevard, and second because of instructions that you got from a Communist, you say, over the telephone; you remember that? A. That is right. [593]

Q. Then, I asked you what remarks at the meeting on Washington Boulevard were made from which you derived the conclusion that Harry Bridges was laying down a policy for Communist Party members and A. F. of L. members with respect to CIO affiliation? Will you please state those remarks?

Presiding Inspector: Well, now, just a moment.

(Testimony of Ezra Chase.)

That isn't founded on his answer. He said he got it from two sources.

Mr. Gladstein: Yes.

Presiding Inspector: He didn't name the one source alone or, at least, I don't know that he did, but the two together. Now, if you want to ask him whether he got that impression from each of them separately you may ask him that, but you assumed in the question.

Mr. Gladstein: As I understood the witness—

Presiding Inspector: (Interposing) We may not understand each other.

Mr. Gladstein: I see.

Presiding Inspector: But he has given two sources, hasn't he, together?

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: Now, you take one of those sources without connection with the other and ask him, assuming that it was from that alone—

Mr. Gladstein: (Interposing) No, I am not saying that. [594]

Presiding Inspector: Well, that is the implication that I get from the question.

Mr. Gladstein: Well, I will withdraw it and put it this way:

Presiding Inspector: You understand.

Mr. Gladstein: Yes, I think I know what your Honor is pointing out. I simply want this: The witness has given two points; one is the remarks at the meeting and the other is a telephone conversa-

(Testimony of Ezra Chase.)

tion. Now, for the moment, I wish to confine my questioning to the remarks at the meeting.

Presiding Inspector: Yes.

Mr. Gladstein: For the moment I want to know what those remarks were and that is why I am asking the witness what—

Presiding Inspector: (Interposing) You may ask what was said at the meeting, of course.

By Mr. Gladstein:

Q. What are the remarks that you had in mind when you gave this answer a moment ago, that is, with respect to remarks and the telephone conversation by which you concluded that Harry Bridges was laying down the Communist policy?

Mr. Myron: Your Honor, I think that question is vague. I think he can ask what remarks were made by Harry Bridges.

Presiding Inspector: Yes, I think you better rephrase; what remarks were made.

Mr. Gladstein: All right, I will reframe it. [595]

By Mr. Gladstein:

Q. What remarks were made by Harry Bridges at this meeting?

Presiding Inspector: Well, I rather think he has also told them.

Mr. Gladstein: Well, I would like them again, your Honor.

Presiding Inspector: Very well, you may have them again.

What did Bridges say at the meeting?

(Testimony of Ezra Chase.)

The Witness: Well, I outlined already what he had stated, that it would be improper for small groups of trade unionists to split their locals and move over to the CIO in small groups, that that was not what the CIO wanted, that they wanted the entire International, and they should work toward those ends; that, in essence, is what the meeting was about.

By Mr. Gladstein:

Q. Those are the remarks that Harry Bridges made at that meeting?

A. But those are not all of the remarks.

Q. What other remarks?

A. He made another remark there about Red baiting—at that time there was considerable Red baiting,—it was cropping up in various local unions—that the Party was trying to put the damper on Red baiting, to discredit the Red baiters as much as they could, and he said, in words to this effect:

“There was a time when I thought that if a man was opposed to the Communist Party that it was his right to so speak”. [596] He says, “Experience has taught me to treat with distrust those who Red bait.”

Q. Any other remarks that he made at that meeting that you remember?

A. That is about all that I recall.

Q. So that represents, in essence, all of the remarks at the meeting made by Harry Bridges which was part of your answer to my question as to what you relied on when you said that Harry

(Testimony of Ezra Chase.)

Bridges was laying down the Communist policy at that meeting; correct?

Mr. Myron: Just a minute. That isn't what the witness said.

Presiding Inspector: No, I don't think he said that.

Mr. Myron: The witness has answered two questions. I think he said at first he was directed by the Communist Party to go to this meeting to hear Harry Bridges lay down the Party line. Then, he stated what he heard at the meeting which, according to the witness, is the party line.

(Mr. Gladstein: Could we have the question read, please?

(The question referred to was read by the reporter.)

Mr. Gladstein: Isn't that correct?

Presiding Inspector: No, I don't think that is correct.

Mr. Gladstein: I will withdraw that question.

Presiding Inspector: I think you should try to sever it from what the witness has said was the original instruction.

By Mr. Gladstein: [597]

Q. First of all, before we finish that, the people at this meeting on Washington Boulevard, how many were there? A. Oh, probably 25.

Q. Did you know them all?

A. No, I didn't.

Q. Well, did you know who they all were?



(Testimony of Ezra Chase.)

A. No, I didn't know who all of them were.

Q. Did you know whether all of them were trade unionists from one trade union or another?

A. Well, I believed them all to be from trade unions, yes.

Q. Name some of those who were present.

A. There was Robertson.

Q. What union was he from?

A. United Rubber Workers.

Q. Who else? A. There was John Horn.

Q. What union was he from?

A. The Brewery Workers. There was Bill Gately.

Q. What Union?

A. Mine, Mill, and Smelter Workers Union.

Q. Who else? A. There was Lou Baron.

Q. What union was he from?

A. The Furriers. [598]

Q. Did he hold an office in that union?

A. He held some office there; his main office was in the Communist Party.

Q. Did he hold an office in the union?

A. Of some nature, yes, a member of the Executive Board or something of that nature. I don't know just what it was, but I do know that he was an officer.

Q. He was a union officer? A. Yes.

Q. Who else? A. J. Miller.

Q. What union was he from?

A. Business Agent of the Furriers Union. Kingpin of the Communist Party.

(Testimony of Ezra Chase.)

Q. Whom was he representing—withdraw that. Who else?

A. He was representing both the—

Q. (Interposing) Just a moment, please. I withdraw the question.

Presiding Inspector: He withdrew the question. Strike the question.

By Mr. Gladstein:

Q. Who else was present?

A. Walter Westfall.

Q. What union was he from?

A. Business Agent—the Upholsterers.

Q. Who else? [599] A. Joe Silva.

Q. What union was he from?

A. President of the Upholsterers.

Q. Who else? A. Eddie Sugar.

Q. What Union?

A. United Auto Workers.

Q. Did he hold an office?

A. Sort of a free-lance organizer, to the best of my memory.

Q. Who else? A. Matt Pellman.

Q. What union? A. 884 of the Carpenters.

Q. Who else?

A. That is all I can think of from memory. [600]

Q. Can you think of any person who was present at that meeting who was not an officer or representative of a trade union?

A. No, I don't know of anyone who was not connected with a trade union, but they were all

(Testimony of Ezra Chase.)

connected with the Communist Party with the exception of two I knew.

Q. Who were the two?

A. J. R. Robertson and John Horn, of the Brewery Workers. Neither one, to my knowledge, was a Communist.

Q. Do you remember whether a man by the name of Coulter was there?

A. I don't know Coulter.

Q. You never heard of Mr. Coulter of the Oil Workers?

A. No, I never heard of him.

Q. You don't know whether he was present?

A. I don't know whether the Oil Workers had any representative there or not; I don't recollect.

Q. Well, that is, as far as your memory goes they may have or may not have had a representative there?

A. Yes; but I don't know—I didn't know the Communists that were there from the Douglas Aircraft either, but they were there.

Q. Was Mr. Buick there?

A. I don't recall Mr. Buick being there.

Q. What union was he from? [601].

A. He was connected with the International Ladies' Garment Workers. He might have been there, but I don't recollect him being there.

Q. Was he a Communist?

A. No.

Q. Now, on this phone conversation, with respect to the meeting itself, how long prior to the meeting did the phone conversation occur?

A. You mean the conversation, with Lou Baron?

(Testimony of Ezra Chase.)

Q. Yes; the one that you have testified about.

A. I got the call about 5:00 or 6:00 in the evening the day before.

Q. Where were you at the time?

A. In the Union headquarters, the Upholsterers' Union.

Q. Now, give us your best recollection of exactly what was said in this phone conversation, would you please, Mr. Chase? I realize it is a long time ago, but I want you to give us your best recollection.

A. Yes. Baron told me that there was going to be a very important meeting the following morning at 10:00 o'clock. I don't recall whether he said "Comrade Bridges" or "Harry Bridges"—he often-times in my presence referred to Bridges as "Comrade" and at other times at "Harry" Bridges. But he said "Bridges will lay down the Party line to be followed. Now, you, yourself, and Joe Silva, and Walter Westfall, being [602] the outstanding party members, and holding office in the Union, are to be present at this meeting, and failure to attend will be followed by disciplinary action. So impress that on their mind."

Q. What did you say?

A. I told him "All right."

Q. Was there any occasion for Baron telling you that if you didn't attend there would be disciplinary action?

A. Well, that is quite common practice. There are so many meetings to be attended of the Com-

(Testimony of Ezra Chase.)

munist Party that oftentimes a member might miss some meeting, but a meeting of sufficient importance, you will be notified, and it is obligatory to attend or disciplinary action will follow.

Q. Do you remember whether Baron said that Bridges was going to lay down the Party line?

A. Yes.

Q. Is that the expression used?

A. That is the line he used.

Q. No, no—I want to know whether Baron used the expression over the telephone “Party line”?

A. Yes.

Q. He did? A. Yes.

Q. You remember that? A. Yes. [603]

Q. He didn't use just the word “line”?

Mr. Del Guercio: He just testified he used “Party line”.

Mr. Gladstein: This is cross examination.

Presiding Inspector: Go ahead. He may press it.

By Mr. Gladstein:

Q. He didn't use just the word “line”, did he?

A. I am positive he used the words “Party line”.

Q. He didn't use the word “policy”?

A. No. The Communists seldom express themselves with that word. “Line” is the word that is used more frequently than the word “policy”.

Q. So that your testimony now is that Baron did not use the word “policy”, but used the words “Party line”, correct? A. That is right.

(Testimony of Ezra Chase.)

Q. Are you sure about that? A. Yes.

Q. I want you to think hard about this—still “yes”? A. Yes.

Q. Did you ever testify before the Dies Committee? A. Yes, I did.

Q. When? A. I believe in April.

Q. April of when? A. Of 1940. [604]

Q. About a year ago? A. Yes.

Q. Was your memory better about this 1937 business then than now, or is it better now?

A. Well, that would be hard to state.

Q. You think as time elapses your memory gets better or gets worse—what about it?

A. Restate it.

Q. I am asking you whether you think your memory gets better or worse as time goes on?

Presiding Inspector: I wouldn't go into that. I am not interested in the witness' view of that.

Mr. Gladstein: I will withdraw the question.

Do you want to check me, Mr. Del Guercio?

Mr. Del Guercio: I certainly do. What are you going to read from?

Mr. Gladstein: I am now reading from Volume 13 of the Hearings before the Special Committee on Un-American Activities, House of Representatives, Seventy-Sixth Congress, under the title “Investigation of Un-American Propaganda Activities in the United States,” commonly known as the Dies Committee, and these proceedings occurred on April 25, 1940, and I am reading from page 8033 of the volume that I have named.



(Testimony of Ezra Chase.)

I want you to listen to this, Mr. Chase.

"I was called to the telephone in the Union headquarters, [605] and Lou Barron was speaking on the other end. Lou Barron at that time was the Organizer of the Trade-Union Section of the Communist Party. Lou Barron told me that Harry was in town and he said, 'Harry is holding a meeting at 1210 1/2 West Washington Boulevard,' and he said, 'You, yourself, and Walter Westphal and Joe Sylva are to go there as the representatives of the Union.'"

Mr. Del Guercio: (Interposing) "Your union".

Mr. Gladstein: Yes—"your union? He says 'and Bridges is going to lay down the policy, the new policy, with which we are to follow in regard to taking of A. F. of L. unions over to the C. I. O.' And I attended that meeting."

By Mr. Gladstein:

Q. Was that testimony given by you before the Dies Committee? A. That is right.

Q. Under oath? A. Yes.

Q. Was it true?

A. The two reports are substantially the same.

Q. I am asking you whether the testimony you gave before the Dies Committee was true?

A. Yes, I will say that it was.

Q. Why didn't you tell the Dies Committee that Lou Barron had used the expression "Comrade Bridges" over the tele- [606] phone and that he had used the expression "Party line"?

(Testimony of Ezra Chase.)

Mr. Del Guercio: There is nothing to indicate that he was asked that.

Presiding Inspector: He said in his examination that he wasn't sure whether he used the name "Comrade".

Mr. Gladstein: Today, your Honor?

Presiding Inspector: Today.

Mr. Gladstein: He was pretty sure about "Party line."

Presiding Inspector: Yes, but not about—

Mr. Gladstein: (Interposing) I will withdraw the part about "Comrade Bridges".

By Mr. Gladstein:

Q. Why didn't you tell the Dies Committee that Mr. Baron had used the expression "Party line" in his telephone conversation?

A. Well, I felt that about all that was required was to be able to remember in substance what was said, I wasn't pressed for exact wording as I am now, and I was quoting to the best of my memory, or what I thought to be what was said, to convey the meaning.

Q. You were asked by the representative of the Dies Committee who questioned you whether you thought Bridges was a Communist, weren't you?

Mr. Del Guercio: Just a moment. There isn't anything there to indicate that he was asked that.

[607]

Mr. Gladstein: I will change the form of the question.

(Testimony of Ezra Chase.)

Presiding Inspector: I will rely on you that you have some basis for the question.

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein:

Q. Were you asked by a representative of the Dies Committee as to whether you considered Bridges a Communist?

A. I believe I was asked that question; yes.

Q. And you told them that you did, correct?

A. Yes.

Q. In substance, that is what you said?

A. Yes. I have believed for a number of years Bridges to be a Communist.

Q. And don't you remember that you were asked what information, what basis you had for your belief, weren't you asked that?

Mr. Myron: Was he asked that? The record is right here.

Mr. Gladstein: I can ask the witness for his recollection.

Presiding Inspector: Are you relying on the fact that you have a basis for that?

Mr. Gladstein: I will withdraw the question and put it another way.

By Mr. Gladstein:

Q. Were you asked whether you had any information, any dependable information, or sound grounds, to believe that [608] Harry Bridges was a member of the Communist Party?

(Testimony of Ezra Chase.)

Mr. Del Guercio: Just a moment. Are you reading that from the report now?

Mr. Gladstein: I am asking a question.

Mr. Del Guercio: I think the witness has a right to know whether he is reading from that report or not.

Presiding Inspector: You have the transcript of the testimony?

Mr. Gladstein: Yes, I do.

Presiding Inspector: You shouldn't ask that question unless it was asked.

Mr. Gladstein: First of all, I have a right to test the recollection of the witness.

Presiding Inspector: Not on a vital point.

Mr. Gladstein: The difficulty with your question, your Honor, if I ask the question the witness is told which way he may answer the question without any difficulty.

Presiding Inspector: The proper question is "Did you do this or that in substance?"

Mr. Gladstein: Before I can ask what he said I have to ask what he was asked.

Presiding Inspector: "Was this or that in substance asked?"

By Mr. Gladstein:

Q. I will put it this way: In substance, Mr. Chase, were you asked whether you had any information, dependable [609] information, or sound grounds, to believe that Harry Bridges was a Communist Party member?

(Testimony of Ezra Chase.)

Mr. Del Guercio: If your Honor please, I object to that same question. He hasn't indicated whether he is reading from this document.

Presiding Inspector: I will rely on Mr. Gladstein to not deceive the witness.

Mr. Del Guercio: He has said so many times that he wouldn't deceive the witness.

Presiding Inspector: He may answer that question. Were you asked that?

A. I don't recollect whether I was asked that question in that way or not. Your wording is so different from what it would have been there. I really don't recollect, recognize exactly just what it was.

By Mr. Gladstein:

Q. My wording is so different? Let me read this to you, Mr. Chase.

Mr. Myron: You are going to read from the record?

Mr. Gladstein: Yes. You watch it.

Mr. Gladstein: (Reading):

"The Chairman:" —That is Congressman Martin Dies—"Do you have any information, any dependable information or sound grounds, to believe that Harry Bridges was a member of the Communist Party? [610]

By Mr. Gladstein:

Q. Were you asked that question?

Mr. Myron: He just said he didn't remember.

Mr. Gladstein: I have a right to ask the question.



(Testimony of Ezra Chase.)

Presiding Inspector: Proceed.

A. Questions about Bridges were asked, but I don't recollect whether that question was asked in that way or not.

By Mr. Gladstein:

Q. If the record shows, as I have just read it, would you be ready to accept that question?

A. Of course. I am merely telling you I don't recollect. If it is in the report why that is correct, of course.

Q. Then you are willing to say now, if the record shows that you were asked the question as I put it, it was asked? A. Yes.

Q. All right. Do you remember your answer?

A. No, I don't remember it word for word, but it would have been a confirmation of my belief of Bridges to be a Communist, because I have believed that over a period of time, and I have had reasons for believing it.

Q. You understand that the question which I have just read called for information, or sound grounds for your belief? You understood that, didn't you? A. Yes.

Q. Do you remember what your answer was to that question? [611]

A. Not distinctly; no.

Q. Suppose I read it—

Mr. Myron: (Interposing) Just a moment. He says he doesn't remember the question and I don't see how he can remember an answer to a question that he doesn't remember being asked.



(Testimony of Ezra Chase.)

Presiding Inspector: Perhaps if his memory is refreshed by the answer he may remember.

By Mr. Gladstein:

Q. I will read the question, Mr. Chase, so you will be clear on it. The question asked by Congressman Martin Dies was this:

"Do you have any information, any dependable information or sound grounds to believe that Harry Bridges was a member of the Party?"

Then the answer:

"Mr. Chase: I have never doubted it, and neither has any other Communist among themselves."

Do you remember giving that answer?

A. Yes, I do. It could have been fortified considerably, too, if I had been pressed by further questioning on that.

Q. Well, weren't you pressed for further questioning on that?

A. No, I wasn't. I think the report will show. It gives the next question that was asked. [612]

Q. Your recollection is that you were not pressed further by the questioner, is that right?

A. No, I wasn't.

Q. Well, now, let me read to you what happened right after that last answer that you gave.

Mr. Myron: What happened?

By Mr. Gladstein:

Q. Do you know the last answer of yours that I have just read was one in which you said, "I

(Testimony of Ezra Chase.)

have never doubted it, and neither has any other Communist among themselves?" Do you remember that? A. Yes.

Q. The next question by the Chairman was this:

"The Chairman: Well, on what would you base such a belief?"

Do you remember being asked that question?

A. Not clearly; no.

Q. You don't remember, but if it appears in the record you would be ready to admit that that was asked, correct? A. Yes, of course.

Q. Do you remember what your answer was?

A. No, I don't.

Q. Have you any idea at all as to what your answer was?

A. It could have been from a number of angles.

Q. You understood by that question, didn't you, that you [613] were being asked by Congressman Dies to give whatever dependable or sound information you had that was the basis of your belief that Harry Bridges was a member of the Communist Party? You understood that, didn't you?

Mr. Myron: (Interposing) Just a moment. You asked that question previously. Now you are referring to a different question, aren't you?

Mr. Gladstein: I am asking the question that I am asking now, which I think is appropriate.

Presiding Inspector: I think I will allow it.

Mr. Gladstein: Thank you.

Read the last question, please.

(Testimony of Ezra Chase.)

(The question referred to was read by the reporter as above recorded.)

A. Yes.

By Mr. Gladstein:

Q. When was the first time that you ever told anybody that you had information to the effect that Harry Bridges was a Communist?

A. I believe to Ellis and Dunne, the Department of Immigration—they are two men, one named Ellis and the other named Dunne.

Q. When was this?

A. About the time of the last Bridges Trial was going on.

Q. Before, during or after? [614]

A. I believe it was during.

Q. And how did you happen to be giving this information to Mr. Ellis and Mr. Dunne?

A. They came to my house to see me.

Q. Will you describe in a general brief way what took place?

A. They came to my house and had a conversation with me, and asked me to come to the office, if I would drop into their office in the next day or so.

Q. Did they first ask you, when they were at your house, what they wanted of you?

A. Yes.

Q. What did they say?

A. They asked me if I had any knowledge of

(Testimony of Ezra Chase.)

Harry Bridges being a member of the Communist Party.

Q. What did you say?

A. I told them it was my opinion that he was. I believe that is what I told them.

Q. What else did they say?

A. I don't recollect exactly what all was said.

Q. You think that was the essence of everything said on this first occasion?

A. There was more said than that. It is hard to remember verbatim conversations that took place so long ago.

Q. Is there anything of importance that stands out in your mind besides what you have told us?

[615]

A. No, I don't believe there was.

Q. Then, I understand you, they asked you to come up to their office?

A. Yes.

Q. Did you do so?

A. Yes, I went up there.

Q. How long after the occasion when they came to your house?

A. I believe it was about the next day.

Q. Where did you go?

A. To the Federal Building.

Q. Los Angeles?

A. Yes.

Q. And where did you go in that building?

A. It was in the Department of Labor, I believe, at that time.

Q. Who did you see?

A. Mr. Ellis and Mr. Dunne.

(Testimony of Ezra Chase.)

Q. Anybody else present?

A. Yes; there was a stenographer.

Q. Tell us what took place on that occasion?

A. I made a statement for them. I don't recollect just everything that was in the statement.

Q. What kind of a statement?

A. It was pertaining to Bridges and Communistic activi-- [616] ties in general.

Q. You mean an affidavit? A. Yes.

Q. That is to say, you were asked questions by them, were you?

A. No, I don't know whether it was an affidavit or not. I am not certain about that.

Q. Did you sign it?

A. I couldn't be so sure about that. I doubt I did because there were several typographical errors in the copy that I glanced over at a subsequent date.

Q. Did you ever sign a copy of it?

A. I am not sure that I did.

Q. What is your best recollection?

A. That I am not sure.

Q. Your best recollection is that you have no recollection? A. I am not sure.

Q. Well, now—

Presiding Inspector: I think we will stop here until two o'clock.

(Whereupon, at 12:30 p. m. an adjournment was taken until 2:00 p. m. of the same day.)



After Recess

2:00 o'Clock P.M.

Presiding Inspector: You have the witness, Mr. Gladstein.

Mr. Gladstein: Thank you.

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EZRA CHASE

called on behalf of the Government, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Chase, just before we suspended this morning I was inquiring about a meeting you had with some Immigration Inspectors. Before we go any further with that I would like to go back for a moment and ask you about the local union to which you belonged. That was called the Upholsterers' Union, I think you stated?

A. International Upholsterers' Union, Local 15.

Q. Did it always retain that name while you were a member of it?

A. Well, while I was a member of it; yes.

Q. Did it have some other name, or number, prior to your getting in, or after you left?

A. Local 15 has been an old local in Los Angeles and has been known as such for a time prior, beyond my connection with it. There was an Amalgamation at one time, however, of a local union



(Testimony of Ezra Chase.)

called Local 10 of the Trade Union Unity League, [618] which was the Communist group that moved into Local 15, and dropped their identity as the Trade Union Unity League.

Q. Did you ever belong to any other local of the Upholsterers' Union besides Local 15?

A. Never.

Q. Now, I think you said that you never received any money from Captain Hynes for the reports that you submitted to him?

A. That is correct.

Q. Did you receive anything for expenses?

A. No.

Q. Did you receive anything of value, or a consideration of any kind for those reports?

A. No.

Mr. Del Guercio: Your Honor, that has been asked and answered several times.

Presiding Inspector: Yes. I will allow it to stand.

By Mr. Gladstein:

Q. In addition to Captain Hynes, did you have any contact with anyone else in the Los Angeles Red Squad? A. No.

Q. Nobody besides him? A. No.

Q. Did Captain Hynes ever advise you who to contact in the event you couldn't reach him? [619]

A. No.

Q. Never at any time? A. No.

Q. You are sure about that?

(Testimony of Ezra Chase.)

A. No, I have no recollection of any such instruction?

Q. No. Do you know Lieutenant Wellpot?

A. I knew all of the members of the Red Squad including Wellpot.

Q. Well, you know him, do you?

A. Yes, sir, I knew Rudy Wellpot.

Q. Did you know him at the time you were submitting reports to Captain Hynes?

A. Yes, I had known him prior to that date.

Q. Do you know whether Lieutenant Wellpot knew that you were submitting records to Captain Hynes?

A. No, I don't.

Mr. Myron: Now, you Honor—

Mr. Gladstein: (Interposing) I am asking for his knowledge. He has answered the question. I don't see any reason for an objection, your Honor.

Presiding Inspector: I don't know, but, of course, he has a right to make the objection.

Mr. Gladstein: All right.

Presiding Inspector: Do you want to strike it out?

Mr. Myron: If he asks of his own knowledge if he knows. [620]

Mr. Gladstein: Would you read the question, Miss Reporter?

Presiding Inspector: I don't think it makes much difference.

The Reporter: Will you spell "Wellpot", please?

Mr. Gladstein: W-e-l-l-p-o-t.

(Testimony of Ezra Chase.)

Is that correct?

The Witness: I believe that is the way he spells it.

By Mr. Gladstein:

Q. Now, during all this time I believe you stated that your number, your operative number was B-50? A. That is correct.

Q. That is true, is it? A. Yes, sir.

Q. Now, how would that be written, B-50?

A. It could be that way or just B50.

Q. Just one more question about the question of remuneration or expenses.

You have already testified that you never received from Captain Hynes either pay for expenses or anything else for these reports. Did you receive any pay or expenses or anything else of value from any other person for these reports?

A. No.

Q. You did not? A. No.

Q. Now, I think you have already said also that Captain [621] Hynes never instructed you as to how you should go about your activities within the Upholsterers' Union; is that correct?

A. Never.

Q. He never did? A. No.

Q. Did you ever ask him for instructions?

A. No, I can't recall that I ever did.

Q. Well, will you make an effort to remember, Mr. Chase, so that I can get as exact an answer as it is possible for you to give?

(Testimony of Ezra Chase.)

A. Oh, it is possible I might have asked him a question at some time but I don't recollect the incident:

Q. Well, did you ever ask him—withdraw that. Did he ever give you instructions, for example, with respect to how to break strikes?

A. No.

Q. Or anything in connection with strikes?

A. No, I have no such recollections.

Q. Did you ever ask him for instructions with respect to breaking strikes?

A. I have never tried to break a strike.

Q. No; I asked you whether you ever asked him for instructions with respect to breaking strikes?

A. No, not that I recollect.

Q. Could you have? [622]

A. I have no recollection of any such.

Q. Is it possible that you did ask him for instructions as to how to break a strike?

A. I remember no such a thing.

Q. You said earlier today that you were a strong supporter of trade unions. How do you reconcile that statement with the statement you have just made that you don't recollect as to whether you ever asked for instructions on how to break a strike?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: Yes, I will exclude that. That isn't quite what he said.

Mr. Gladstein: Well, read back the question and answer, will you, Miss Reporter?

(Testimony of Ezra Chase.)

Presiding Inspector: He said he had no recollection of any such matter.

Mr. Gladstein: That is what I thought I put in the question, your Honor.

Presiding Inspector: No.

Mr. Gladstein: Didn't I?

Would you read the question? I will correct the question if that is incorrect.

Would you read the question?

Presiding Inspector: That he never had any recollection of ever having asked it, should be the question. [623]

Mr. Gladstein: Well, I will withdraw that and put it this way:

Presiding Inspector: You see, you imply in that something in the answer which is not quite there; it is only a shade of difference.

Mr. Gladstein: Well, I will try to remove the shade, your Honor.

Q. I asked you, Mr. Chase, whether you had ever received instructions from Captain Hynes as to how to break a strike, and you said "No"; is that correct?

Presiding Inspector: You see, you are asking it on a basis of a failure to recognize something positive; now, that is negative, his failure to recollect. Then, of course, you can fail to recollect, have no recollection about anything which is consistent either with it never having occurred or of it having occurred and your recollection is not right, but

(Testimony of Ezra Chase.)

when you say you have no recollection there is no proof it ever occurred.

Mr. Gladstein: I see; I understand it.

I think, your Honor, perhaps we can get at it by questions directed to the state of mind of the witness as of the time of this occurrence. Would that be a proper approach?

Presiding Inspector: I think so. If he has any recollection of his state of mind at the time; yes.

[624]

By Mr. Gladstein:

Q. Well, Mr. Chase, was your state of mind with respect to trade unions such that after the time you started making reports to Captain Hynes you could have asked him for information, or instructions as to how to break a strike?

A. I have no recollection.

Mr. Myron: I object to that. Ask him what his state of mind was at the time.

Presiding Inspector: He can answer what his state of mind was at the time.

By Mr. Gladstein:

Q. What is the answer?

A. I have no recollection of having made any such inquiry.

Q. What was your then state of mind with respect to strike breaking in general?

A. I would be against it if it were being conducted by a union whose purpose it was to use it as a revolutionary battering ram.



(Testimony of Ezra Chase.)

Q. In general, your position would have been against strike breaking?

A. Yes; aside from the Communistic angle that might be involved.

Q. And the exception would be what?

A. The exception is of the Communistic angle that may be [625] involved.

Q. What do you mean by that?

A. I mean that if the union was under the leadership of Communists in there that I might even be in favor of breaking it.

Q. That is to say, if a Union was under the leadership of people that you knew or thought were Communists, you would be in favor of breaking the strike as a general proposition?

A. Communist strikes are so——

Q. (Interposing) Couldn't you answer "Yes" or "No"?

A. If the strike was under the leadership of Communists, and I considered it a strike which had as its basis the extension of the powers of the Communist Party in the Trade Union movement, or to fortify their revolutionary ambitions, yes, I would be very proud to help break that strike.

Q. Now, what kind of a strike would such a strike be?

A. Well, we have a number of examples of them throughout the country today. We have had many of them in the past too.

Q. Suppose the strike was on the basis of demands for wages, hours and working conditions,

(Testimony of Ezra Chase.)

would that fit within the exception that you have named?

Mr. Myron: I object to this, your Honor.

Presiding Inspector: If he can answer it I will allow it.

A. Communists, as I have stated previously, approach workers on a basis of their immediate problems and grievances. [626] The approach of Communists to the workers in a factory or an industry will usually be on the basis of hours, wages or conditions; but the real purposes of the Communists, which are known to them, are something entirely different from that. I wouldn't be guided by the asserted claims or promises that the Communist leadership of a given strike may have.

Mr. Gladstein:

Q. In other words, if the leadership of the Union is Communist that would determine your attitude toward the strike?

Mr. Del Guercio: That isn't what the witness said.

Mr. Gladstein: I will withdraw the question.

Q. Would one of your reasons for being against that strike be that if the strike was won that fact would help the Communists gain prestige or greater control of the Union?

A. Yes. Whenever they conduct a successful strike why naturally that furthers the interests of the Communist International.

Q. Did you ever report to Captain Hynes, or

(Testimony of Ezra Chase.)

anyone else in his department, upon any other Communist activities except those within the Upholsterers' Union, of which you were a member?

A. Yes, I have.

Q. Tell us about those, will you, the organization to begin with.

A. I made reports on the formation of the California People's Legislative Conference. [627]

Q. When was that?

A. About June of 1937.

Q. Any other organization on which you made a report to Captain Hynes?

A. Well, the Laborers' non-partisan League would be in connection with the California People's Legislative Conference. I included them both in the same report.

Q. Was this report submitted under your usual designation of B-50?

A. I believe it would have been; yes.

Q. Is there any doubt about that in your mind?

A. My answer is I believe it would have been.

Q. I am asking you if there is any doubt in your mind.

A. I have made reports on those two sources; some of them were signed by my name, but I don't believe Captain Hynes would have one direct from me. He may have had one from some other source.

Q. The reports would have been either signed by you or by your designation of B-50?

A. Yes.

Q. But not by anything else?

(Testimony of Ezra Chase.)

A. No; it wouldn't have been.

Q. Or any other name? A. No.

Q. Or any other designation? [628]

A. No.

Q. Any other organizations as to which you reported Communistic activities to Captain Hynes?

A. I don't recollect any at the moment.

Q. All right. Now, this morning you testified that there was a strike while you were a member of the Upholsterers' Union on which you made a report to Captain Hynes. At what plant was that strike?

A. I believe the one you are referring to to be the Universal Furniture Manufacturing Company.

Q. When did it occur?

A. About July of 1937; July or August—I believe it was the first part of August—that would be more accurate.

Q. I didn't hear that.

A. The first part of August would be the more accurate.

Q. Now, you prefaced your answer by the statement that you believed I was referring to it. I am asking you for the one you referred to this morning. Is it the Universal Manufacturing Company?

A. Yes; that is the one.

Q. That is the one you are referring to?

A. That is the one I had in mind; yes.

Q. Did you ever make any reports to Captain Hynes, or anyone in his department, with respect to any strike at any other plants? [629]

(Testimony of Ezra Chase.)

Mr. Del Guercio: If your Honor please, I am getting a little confused here. I don't know whether we are trying the Alien her to determine whether Mr. Bridges is a member of the Communist Party, or whether Captain Hynes. I would like to be straightened out on that.

Mr. Gladstein: Does your Honor wish to hear the basis of this examination?

Presiding Inspector: No. I think it is a question of credibility.

Mr. Gladstein: That is correct, your Honor. Will you read the last question?

(The question referred to was read by the reporter as above recorded.)

A. I believe I wrote something on the strike of the Kroehler Manufacturing Company.

Q. (By Mr. Gladstein) When did that strike occur, please?

A. That strike strung out over quite a period of time. To the best of my memory it was going on over possibly the greater portion of 1937.

Q. And you were making reports during the course of the strike?

A. Oh, I probably made one, maybe more. I don't really recollect any, but the importance of it, and of the issues involved, why, I am inclined to believe that I at least made a report of it. [630]

Q. Did you ever make, in either of those cases, the Universal Manufacturing Company or the Kroehler case, any report to Captain Hynes in ad-



(Testimony of Ezra Chase.)

vance of the calling or establishing of the strike?

A. I called Hynes on the phone the night before we were to picket the Universal Manufacturing Company and I told him that I expected that there was going to be trouble, and I didn't think that the situation warranted having any trouble; that we had no members whatever in the factory, and the picket line was to be formed for organization purposes. There was a great deal of feeling existing between the workers in the Universal Manufacturing Company and those in the Union, and I anticipated that there would be violence committed there, and I didn't want that to happen, but some happened in spite of the presence of the Police Department.

Presiding Inspector: You have already told about that, haven't you?

The Witness: Yes.

By Mr. Gladstein:

Q. Did you, other than the case of the Universal Manufacturing Company, or the Kroehler Manufacturing Company, ever inform Captain Hynes in advance of the actual establishment of a strike and picket lines?

A. I have no recollection of anything like that; no.

Q. Try hard to remember? [631]

A. No, I don't remember.

Q. Did you ever, in advance of—withdraw that. Did you, in advance of the Universal strike, the



(Testimony of Ezra Chase.)

one that you have just testified about, ask for instructions from Captain Hynes?

Mr. Myron: Just a moment. He said definitely that he never asked for instructions from Captain Hynes.

Presiding Inspector: Unless you can refresh his recollection it wouldn't help very much.

A. I can't remember that I ever did ask for instructions.

Presiding Inspector: That is the same answer given before. If you can refresh his recollection you will be permitted to do so.

By Mr. Gladstein:

Q. Let's go to the Universal Furniture Manufacturing Company for a moment, Mr. Chase. Why did you inform Captain Hynes in advance of the strike that there were to be picket lines established?

A. I wanted the police department to be there, because I didn't want a street fight to break out there; I didn't want the Union in trouble; I didn't want to be in trouble myself, and I knew that trouble was going to happen there. Some arrests were made because of throwing rocks there that morning.

Q. Is that the only reason?

A. Yes. I knew that trouble was—I wanted to keep [632] peace there. There was no good purpose to be achieved by the Union in throwing that picket line around that factory. The whole thing was stupid from beginning to end. I had talked

(Testimony of Ezra Chase.)

against it and tried to break it in the Union, and I was determined to try to break it at all costs.

Q. Despite the fact that the Union voted the strike?

A. The Union didn't actually and directly vote that strike.

Q. Despite the fact that the Union authorized the Strike Committee to call the strike?

A. Yes, sir.

Q. Despite the fact that the Strike Committee did—

A. (Interposing) The Strike Committee was made up of Communists.

Q. Just a minute. Despite the fact the Strike Committee called the strike?

A. The Strike Committee was the Communist Party and I was disregarding their decisions.

Mr. Gladstein: I would like to hear a "yes" or "no" answer.

Mr. Del Guercio: He has a right to explain.

Mr. Gladstein: I have no objection to any explanation but I am asking a question which could be answered—

Presiding Inspector: (Interposing) Well, the question was despite the fact that the Union had authorized its strike [633] Committee to call, do I understand, this particular strike?

Mr. Gladstein: Yes, your Honor.

Presiding Inspector: Had the Union authorized the Strike Committee to call this particular strike?

(Testimony of Ezra Chase.)

The Witness: The Union had given the Strike Committee a bill, a free bill to go ahead and act as they saw fit. A number of strikes were in contemplation; they were not mentioned specifically.

Presiding Inspector: I think that is sufficient basis for you to ask the question if you wish to.

By Mr. Gladstein:

Q. Do you remember any other strike in which you informed Captain Hynes in advance?

A. No, I don't recall.

Q. Were there any other strikes that you can remember that occurred while you were in the organization?

A. Oh, they had them all the time.

Q. Could you name a few?

A. Oh, they struck the Angelus Furniture Company.

Q. Yes.

A. Without any members in it; Moody Manufacturing Company.

Q. Yes, any others?

A. The Sterling Manufacturing Company.

Q. Sterling? Did you say Sterling, Mr. Chase? [634]

A. Yes.

Q. Any others?

A. Crown Upholstering Company.

Q. Crown. Well, that will be sufficient.

A. It will include all the furniture upholstering shops in Los Angeles.

(Testimony of Ezra Chase.)

Q. Now, did you inform Captain Hynes in advance of the strike in the Angelus plant?

A. It could be possible; I have no recollection of it, though.

Q. Moody?

A. That could be possible but I don't recollect.

Q. Sterling?

A. The Sterling strike would not be called as an individual. Every year when a new agreement was negotiated—that was a closed union shop. All the closed shops would be struck once a year.

Q. Crown? A. Crown was a closed shop.

Q. Now, you say it is possible that you did call Captain Hynes in advance of both the Angelus and Moody cases?

A. It could be possible, yes.

Q. What would have made it possible? What would have caused you to do that?

A. I can't recollect what I did, or I wouldn't be able [635] to recollect just what would have caused it, unless I had considered there was some important angles at the time; they are quite a while back.

Q. Well, what could have caused you to call him in advance in the case of either of those strikes?

Mr. Myron: He says he doesn't recollect.

Mr. Gladstein: I know, your Honor, but I am entitled to have the witness give as exact and definite an answer as possible.

Presiding Inspector: He says he will have to

(Testimony of Ezra Chase.)

know the circumstances; he doesn't recollect. Haven't you got it already?

Mr. Gladstein: I don't think sufficiently.

Presiding Inspector: Under certain circumstances he has done this. Hasn't he given the purposes? I don't want to cut you off on the matter.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: I think you have gotten it pretty thoroughly.

By Mr. Gladstein:

Q. Could it have been, Mr. Chase, because you were asking for instructions from Captain Hynes?

A. No. I never had to ask for any instructions on the conduct of a strike.

Q. You are sure about that? A. No. [636]

Q. You mean you are not sure about it?

A. I mean that I hadn't asked for instructions on it.

Q. You never did?

A. I have no recollection of it.

Q. Mr. Chase, in Volume 64 of a publication entitled "Violations of Free Speech and Rights of Labor, Hearings before a Subcommittee of the Committee on Education and Labor, United States Senate," popularly known as the LaFollette Committee, Part 64 containing supplementary exhibits, on page 23577 there is an exhibit which reads as follows:

(Testimony of Ezra Chase.)

"Furniture Workers Union

Exhibit 10304

(Intra-Departmental Correspondence)

Los Angeles Police Department

Office of:"

"B-50.

Captain Hynes or Lieutenant Wellpot."

Mr. Del Guercio: Are the inflections in the transcript also?

Mr. Gladstein: "We called a strike tonight 9/16." That is September 16—"all workers will go out at 7:30 A.M. tomorrow.

"Moody—" M-o-o-d-y "Bed Co., 154 East 57th Street. If you have any special instruction for me leave note with night man at office and I will call in tomorrow night. [637]

"The name "Catherman"—C-a-t-h-e-r-m-a-n—"12M", the letter "M" standing for "midnight"—"9/16."

Having read that exhibit, does this—

A. I have no knowledge—

Q. (Interposing) Just a moment, please. I haven't asked you a question, Mr. Chase.

Does this refresh your recollection as to whether or not you called in to Captain Hynes or Lieutenant Wellpot to advise of the calling of the strike at the Moody Bed Company?

A. I can't recognize that report.

Q. What about the report?

A. I have no recollections of that report. There



(Testimony of Ezra Chase.)

are a few things in that that sound rather queer to me.

Q. State them, please.

A. Would you re-read that?

Q. Yes. Better than that, you read it.

A. You know, these things were hauled out of the files by a couple of Communist Attorneys, Dave Sokol and Al Wierin, and, I think, some funny stuff has been pulled, if you want to know what I think.

Q. So the record may be clear, Mr. Chase, I am showing you what purports to be an official copy of the LaFollette Committee Reports, Part 64, Page 23577, and I call your attention to Exhibit 10304 at the bottom of that page and you can read that for yourself and study it for a while. [638]

A. (Witness examining document.)

Mr. Del Guercio: Then, also that portion, if I may add, if it does indicate as to how the LaFollette Committee got possession of those.

Mr. Gladstein: He can read the whole volume, if he wishes.

The Witness: The reason I want to question this is—

Mr. Gladstein: (Interposing) These are public documents, your Honor. I mean to say I am sure Mr. Del Guercio would have no difficulty in getting copies from the LaFollette Committee, or, for that matter, if there is any question about these we will join any request with Mr. Del Guercio for the original exhibits from the LaFollette Committee, what-

(Testimony of Ezra Chase.)

ever they may be, the photostatic copies or whatever the documents are. We would like to have those.

The Witness: This report smacks of being fictitious for a number of reasons. I know the name of the Moody Mattress Company and I know it well, and it is not the Moody Bed Company and I made no such a report. That report has been cooked up from another source; I didn't make it. [639]

By Mr. Gladstein:

Q. What other reason, please?

A. That is enough.

Q. Is that the only reason?

A. I wouldn't have called it the Moody Bed Company.

Q. Is that the only reason?

A. And I have no recollection of any such a report.

Q. Are those all your reasons?

A. That ought to be enough.

Q. Are those all your reasons?

A. That is all I could think of, but I would never have made the mistake of calling that the Moody Bed Company.

Q. You realize, of course, that this is supposed —this is the report for the person to whom you spoke over the telephone. You realize that, don't you?

A. I don't recollect ever making any such call.

Q. Do you deny that it was made?

(Testimony of Ezra Chase.)

A. No. I don't deny that a call was made, but I have no recollection of ever having made it.

Presiding Inspector: It is hearsay, isn't it, Mr. Gladstein? This is hearsay; this was hearsay before the Committee, wasn't it?

Mr. Gladstein: If I may say, your Honor——

Presiding Inspector: (Interposing) Was the man who made that sworn?

Mr. Gladstein: Well, as I understand it——

[640]

Presiding Inspector: (Interposing) Well, was the man who made that sworn?

Mr. Gladstein: I do not know. I think these are Exhibits taken from the files of Captain Hynes.

Mr. Del Guercio: By whom?

Mr. Gladstein: By the LaFollette Committee.

Mr. Del Guercio: Oh, just a minute now. Does it state that in there?

Mr. Gladstein: Well, I may state this simply on my information, and it is subject to check——

Presiding Inspector: (Interposing) Yes. You don't know; you haven't examined it that far?

Mr. Gladstein: No. I am of the opinion that the LaFollette Committee held a hearing not long ago in San Francisco and Los Angeles. In connection with the hearings in Los Angeles—I think this is a matter of common knowledge that such hearings were held and that Senator Thomas was here and, I think, conducted hearings in this building in San Francisco, and also——

(Testimony of Ezra Chase.)

Presiding Inspector: (Interposing) Well, I merely asked for information.

Mr. Gladstein: Also in Los Angeles.

Presiding Inspector: Whether it appeared in the record that the man who made that entry was sworn, or is it just hearsay?

Mr. Gladstein: Well, we have no way of knowing except [641] from the internal evidence in the volume, which I have not examined. This, however, is an official report of the—

Presiding Inspector: (Interposing) Perhaps, it doesn't make any difference. I merely wanted to know for the moment.

Mr. Myron: I think I might clear your Honor's mind by stating that it purports to be a telephone call that was made to the Police Department.

Presiding Inspector: Who made the report?

Mr. Myron: I don't know, your Honor. I haven't access to it to find out whether it is a record—

Mr. Gladstein: (Interposing) Well, the report itself, your Honor, indicates from the internal evidence that Agent B-50 called—

Presiding Inspector: (Interposing) Called whom?

Mr. Gladstein: A person named Catherman.

Presiding Inspector: Now, was Catherman sworn?

Mr. Gladstein: I do not know.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. Do you know Mr. Catherman, C-a-t-h-e-r-m-a-n?

A. I know no such man; I have never heard the name before.

Q. Never have? A. No.

Presiding Inspector: My only point in asking it was to know whether it was fully sworn to, as it might affect the [642] credibility, that was all, in the face of the witness' statement.

Mr. Gladstein: Well, I think, your Honor, we can undertake to find out what the La Follette Committee states with respect to these documents.

Presiding Inspector: Yes. Well, you can do that sometime.

Mr. Gladstein: That will require some search, though.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Now, let's go back, Mr. Chase, to the statement you were giving to the Immigration Inspectors whose names were Ellis and Dunne.

By the way, when they first called on you in your home did they tell you how they learned that you might have some information concerning Harry Bridges?

A. I don't recall that they did.

Q. You don't recall that? A. No.

Q. Well, what do you recall them telling you when they came to the house?

A. They showed their identification.

Q. Yes.

(Testimony of Ezra Chase.)

A. And told me that they understood that I had been in the Party.

Q. What else? [643]

A. And wanted to know possibly what I knew that would be of use to them in the Bridges case; that was the case in question at the time.

Q. The case was going on at the time?

A. I believe it was.

Q. And what happened after that?

A. They made arrangements with me, to meet them the next day.

Q. And, I think, you have said that you met them in the Immigration offices in Los Angeles?

A. Yes, sir.

Q. And there were present Mr. Ellis, Mr. Dunne, yourself and a stenographer?

A. Yes, sir.

Q. Man or woman stenographer?

A. It was a woman.

Q. Know the name? A. No, I don't.

Q. Now, please describe for us what procedure occurred at that time.

A. What procedure?

Q. What took place?

A. Well, we proceeded to draw up a statement.

Q. Well, tell us how it was done.

A. I dictated it and the stenographer took it down in shorthand and then made it on the typewriter. I think. [644]

Q. Don't you remember?



(Testimony of Ezra Chase.)

A. Yes, it was taken down in shorthand and then typed.

Q. It was typed?

Mr. Myron: He said it was typed.

A. Yes.

By Mr. Gladstein:

Q. Was it shown to you after it was typed?

A. I am in doubt about that, whether it was or not.

Q. Were you asked to sign it?

A. I am in doubt about it, whether I signed the report or not.

Q. This morning you said something about corrections. To what did you have reference?

A. I have read a report of it and there were several things in there that were in error. That is what made me think that I possibly hadn't signed the copy, because stenographers often make mistakes in things of that nature.

Q. Where did you read a report of what you dictated that day to the stenographer?

A. The FBI had a copy of it.

Q. When did you see that?

A. I believe I saw that Tuesday night.

Q. Of this week? A. Yes.

Q. Where did you see it? [645]

A. At the FBI office.

Q. In San Francisco?

A. In San Francisco.

Q. Who was present at the time it was shown to you?

(Testimony of Ezra Chase.)

A. I believe Mr. Findlay and one other man; I don't recall his name. I am not well enough acquainted with them to remember them all.

Q. Anybody else?

A. I believe there were just two of them present.

Q. Describe for us what was shown to you.

A. I think it was two typewritten sheets of paper.

Q. Signed?

A. I don't recall. I think that it was a copy that had been copied from an original that I had made, as I remember. I was pretty tired; I just shot through it in rather a hurry; I didn't really pay a great deal of attention to it.

Q. The original had been signed by you?

A. I don't know.

Q. Was it a statement in which you stated what you knew concerning Bridges?

A. It contained things on that line, yes.

Q. That is, it purported to be a statement as to your information concerning whether Harry Bridges was a member of or affiliated with the Communist Party; correct?

A. Yes, that would be the subject.

Q. And this was a copy, a two-page copy of an original [646] statement; is that right?

A. I think that is correct.

Q. Did they tell you where the original statement was?

A. No, never asked.

Q. Do you know where it is?

A. No.

(Testimony of Ezra Chase.)

Q. Is it your recollection that you signed the original statement?

A. I can't recollect that I did.

Q. But you don't know?

A. No, I don't.

Q. It is possible that you did?

A. It is possible that I didn't.

Q. Well, it is possible that you did and it is possible that you didn't?

A. Yes, it is; I really don't know.

Mr. Gladstein: If your Honor please, we would like to have permission to examine the statement that the witness has testified about.

Presiding Inspector: I think you have wasted a good deal of time on it already.

Mr. Gladstein: What do you mean?

Presiding Inspector: You have asked each question about four times.

Mr. Gladstein: Well, we are now asking your Honor to [647] make available to us—

Presiding Inspector: (Interposing) Do you want to ask your adversaries if they want to produce it?

Mr. Gladstein: Would you produce the original of the statement, Mr. Del Guercio?

Mr. Del Guercio: If your Honor please, I have no such statement; I have never seen it. I am not saying that such a statement doesn't exist. I haven't produced it and don't intend to produce it; I haven't seen it.

(Testimony of Ezra Chase.)

Mr. Gladstein: Your Honor, in connection with the relevancy of our right to have the statement, first of all let me check this and see: I simply want to ask for information whether anyone seated at the table for Government counsel—

Presiding Inspector: (Interposing) You can't ask each one. If they won't offer it you have your proper—

Mr. Myron: Do you mean did the Government use this statement to present the evidence?

Mr. Gladstein: No; I am asking whether anybody—whether you, for example, Mr. Myron, have in your possession—

Mr. Del Guercio: (Interposing) Just a moment. I object to this procedure, your Honor. He should address his remarks to the Court.

Presiding Inspector: He may ask whether you will produce it. If you say "No" that is all there is to it.

Mr. Del Guercio: If he will ask me—I am in charge of the Government's case—I will say no, I will not produce it. [648]

Mr. Gladstein: I am doing this in line with your Honor's suggestion.

Presiding Inspector: He said, "No."

Mr. Gladstein: First, I want to know if they have it. As I understand, Mr. Del Guercio says he hasn't it.

Mr. Del Guercio: Don't misquote me.

If the Court please, I said that I have never seen such a statement, that I do not have it now—

(Testimony of Ezra Chase.)

Presiding Inspector: (Interposing) And you don't intend to produce it?

Mr. Del Guercio: Don't know anything about it, and I refuse counsel's request to make any further inquiry.

Presiding Inspector: All right, go ahead.

Mr. Gladstein: First, could we not find out whether other Government counsel have this statement?

Presiding Inspector: I think we could assume that other Government counsel are under Mr. Del Guercio's control; he has charge of them all.

Mr. Gladstein: If your Honor please, concerning the relevance of this statement and our right to have it; I would like to have you hear Mrs. King on this question, because it is obviously of vital importance. [649]

Mrs. King: This same proposition, if your Honor please, arose in connection with the last hearing at which time Government Counsel did, as they do now, refuse to permit us to have previous statements.

With reference to that Dean Landis—I am reading from his report—said:

“The first relates to a series of requests made by the Alien for the production of certain documentary evidence in the possession of the Government. This evidence consisted either of affidavits of witnesses taken before Immigration Officials—



(Testimony of Ezra Chase.)

witnesses who were later called to the stand—or”—

That part of his statement is immaterial.

Dean Landis explained that Counsel for the Government, claiming to be bound by the Department regulations, refused in each instance to produce the evidence requested, even though it was then in their possession.

“The first of these requests was granted by the Secretary.”

That is, Dean Landis took up with Secretary Perkins, who was then in charge of the Labor Department, under which Department the Immigration Service then was, the question of furnishing counsel for Mr. Bridges with written statements. Secretary Perkins did furnish them.

However, in support of this report Dean Landis cites the applicable law on this question and he says:

“Counsel for the Government, at the hearing and subsequently, [650] have taken the position that these documents, especially the earlier affidavits of witnesses made before immigration officials, were privileged communications and thus the Government was under no duty to produce them. They rely upon *Arnstein vs. United States*, 296 Federal, 946”—

I will not read all of the authorities. The conclusion reached by Dean Landis, and the authorities, can be found in Footnote 15, at page 5 of his report, which I would like to have in the present proceeding. It concludes:



(Testimony of Ezra Chase.)

"As Dean Wigmore says, 'It seems wiser to stand firm upon ordinary considerations of fairness, and to hold that the prosecution is not entitled at the trial to withhold from the inspection of the accused and the jury any documents or chattels relevant to the case. Indeed, weightier considerations would seem to underlie the privilege of non-disclosure that attaches to testimony given before a Grand Jury than to testimony taken in preliminary investigations before an executive or administrative official. But the now universal rule is that a witness may be impeached in any subsequent trial, civil or criminal, by self-contradictory testimony given by him before a grand jury.'"

Now, in this case Government counsel, of course, content that they do not have this statement. The witness has said that it was given to Immigration Inspectors at Los Angeles; that it was seen by him in the FBI office in San Francisco. [651]

I do not have to tell your Honor that both the Immigration Service today, and the FBI, are under the Department of Justice, and that there is no possibility that what is in the hands of the FBI is not in the hands of the Immigration Service or vice versa. In other words, these statements are in the hands of the Department of Justice and, consequently, the Department of Justice, whether it is the FBI or the Immigration Service, is in a position to give us these statements and we feel, more especially in view of the fact that the credibility of this witness is seriously questioned, that

(Testimony of Ezra Chase.)

we are entitled to these statements to determine whether there are any contradictory statements in the preliminary statement that he made in the Immigration Office in Los Angeles at the time of the last hearing, that is, in 1939.

Presiding Inspector: What do you say about that, Mr. Del Guercio?

Mr. Del Guercio: If the Court please, we are not, of course, concerned with what occurred in the Landis hearing, we are not trying this case on any evidence, or on the evidence that was introduced in that hearing. This is an entirely new and separate hearing. It is based, of course, on the rules promulgated by the Attorney General. We are not required under the rules to furnish counsel with any transcripts of any testimony that may have been taken prior to the issuance of the Warrant of Arrest. We are relying on that rule and we are [652] proceeding in accordance with that rule, and I believe that that is all that is required.

Now, this statement that counsel refers to was taken, I understand, some time during the course of the last hearing.

Mr. Gladstein: (Interposing) We do not hear you. I am sorry, but will you please speak up?

Presiding Inspector: He simply says that it was taken in the course of the last hearing and he differentiates between the last hearing and this one as being entirely separate.

Of course, they do not claim that this was in preparation for this hearing; but they say that they

(Testimony of Ezra Chase.)

would have a right, as it has been used in the preparation of the witness for his testimony, that it was shown him, and that they would have a right to see it.

I do not think I have power to rule on the matter.

Mr. Gladstein: Before you rule—

Presiding Inspector: I doubt I have authority to rule on the matter.

Mr. Gladstein: (Continuing) — let me add this—

Mr. Del Guercio: (Interposing) May I finish?

Mr. Gladstein: Yes.

Mr. Del Guercio: I cannot change the rule of the Department. That is the rule of our Department and I am bound by it.

Presiding Inspector: Certainly. I do not believe I have [653] any authority to rule, Mr. Gladstein, on this point. It is a Departmental matter.

Mrs. King: If your Honor please, whether you have authority or not—

Presiding Inspector: You don't think I have, do you?

Mrs. King: I refuse to get involved in that problem.

I would suggest that at the time that Dean Landis was confronted with a similar dilemma—

Presiding Inspector: He took the same view, evidently.

Mrs. King: (Continuing) —he wrote to the

(Testimony of Ezra Chase.)

Secretary of Labor and requested her to furnish the statement.

Now, I am requesting you to request Attorney General Jackson to furnish us with this statement. In other words, the rules of the Department, in so far as they are public, make no provision with reference to this situation at all.

I seriously doubt whether there are any rules yet, because they are in the making. The Departmental rules relating to deportation have not been fully formulated.

Presiding Inspector: Probably so.

Mr. Del Guercio: If your Honor please—

Mrs. King: May I finish?

Mr. Del Guercio: May I correct that misunderstanding? I am sure it is a misunderstanding. They have already been filed in the Federal Register.

Mrs. King: I have the Federal Register right here, but [654] I have information from the officials in Washington that the rules in the Federal Register are not complete.

Mr. Del Guercio: That is news to me.

Mrs. King: In view of these circumstances, in view of the importance and interest involved in this situation, may I request your Honor to ask Attorney General Jackson if he will furnish to the Attorneys for Mr. Birdges the preliminary statement of this witness so that a precedent may be set in this case with reference to this type of situation?

Mr. Del Guercio: We don't need a precedent.

(Testimony of Ezra Chase.)

Presiding Inspector: I will suggest to you, Mr. Del Guercio, that you communicate during the coming week with the Attorney General himself—I do not request that it be produced—and that he advise as to what the Departmental view is on the matter.

Mr. Del Guercio: If you suggest that I will.

Presiding Inspector. Yes, I do. I am not asking anything from the Attorney General, but I am asking you to get a ruling of the Attorney General so as to cover this point.

I feel very certain that I have no power, that it is not within my commission here, to direct one way or the other in this matter.

Mr. Del Guercio: I think the position of the Court is correct on that.

Mr. Gladstein: I don't know whether the record shows it [655] but, of course, our purpose in requesting it is for the purpose of examining whether the witness, at the time he made a prior statement, made statements which are inconsistent with his testimony here, or which tend to impeach his testimony.

Presiding Inspector: I think that is perfectly clear, the purpose.

By Mr. Gladstein:

Q. Aside from the statement you gave to Mr. Dunne and Mr. Ellis, have you ever made any other statement concerning what information you had as to Harry Bridges being a Communist?

A. There may have been portions of it in the report to the Dies Committee.

(Testimony of Ezra Chase.)

Q. A written statement?

A. It would have been included, yes, in my statement to the Dies Committee. The subject would have been touched on; yes.

Q. I don't mean your testimony, I mean a statement which you gave in writing?

A. Well, that is what I am referring to. I am referring to my report to the Dies Committee.

Q. You made a report to the Dies Committee?

A. Yes; they took a statement from me.

Q. Who, from the Dies Committee, took a statement from you?

A. Yes.

Q. Who did? [656]

A. James Stedman.

Q. Anybody else?

A. And the FBI.

Q. I am referring now just to the Dies Committee. Was Mr. Stedman present with a representative of the FBI at the time?

A. Mr. Stedman was the investigator for the Dies Committee, as I understand it.

Q. Where did you meet him?

A. In the Federal Building in Los Angeles.

Q. Who else was present?

A. A stenographer.

Q. Anybody else?

A. Well, Mr. Hurley could have been present. He was a portion of the time when I was interviewed.

Q. Do you know his full name?

A. No, I don't.

Q. Is it George Hurley?



(Testimony of Ezra Chase.)

A. I am inclined to believe it is; I am not positive.

Q. Now, you mentioned a moment ago that you spoke to the Dies Committee representative and the FBI. Did you mean to imply that you spoke to both or to representatives of both the FBI and the Dies Committee at the same time?

Mr. Del Guercio: He spoke to the Dies Committee and he spoke to a representative of the FBI. He testified on that [657] point.

By Mr. Gladstein:

Q. Now, I am asking whether he means to say that he spoke to representatives of both the FBI and the Dies Committee at the same time.

A. No.

Q. You did not? A. No.

Q. All right. Now, where did you say you spoke to the representative of the Dies Committee?

A. In the Federal Building in Los Angeles.

Q. Do you know in whose office it was?

A. It was their office, I presume; they were occupying it.

Q. How did you happen to go up there?

A. I was called.

Q. By whom?

A. I think Mr. Stedman called me on the phone.

Q. Tell us about the conversation, if you will?

A. He just called me and wanted to see me.

Mr. Del Guercio: I think that is going far afield. He already questioned this witness concerning the

(Testimony of Ezra Chase.)

testimony given before the Dies Committee. He has the report before him. Now he is going into the preliminary matter of it.

Mr. Gladstein: I will withdraw the question.

[658]

Presiding Inspector: He has withdrawn the question.

By Mr. Gladstein:

Q. At Mr. Stedman's request you went to that office, is that correct? A. Correct.

Q. And you say there was a stenographer present? A. Yes.

Q. Did you dictate a statement to her as to what you knew about Harry Bridges being a Communist?

A. Yes. It would have been contained in there some place. I wouldn't say it was all that I knew, but there was mention made of it, I am sure.

Q. How long a statement was it?

A. Well, I was making a statement there as to general policy of the Communist movement. I wasn't dealing at any great length on any particular phase or branch of it, but dealing more with the general policy.

Q. What was the date of this, please?

A. It was over a period of time in 1939, I believe.

Q. You mean you went up there on more than one occasion to give statements?

A. Yes. We didn't complete it at one sitting.

Q. Over how long a period did you make these statements?

(Testimony of Ezra Chase.)

A. Oh, it was done at times that were convenient to both of us. I was up there maybe three or four different times. [659]

Q. Well, from the first time until the last time you were up there how long a period elapsed?

A. I have no idea.

Mr. Del Guercio: I want to interject another objection. If we continue this we will be here all summer. There should be some limit to this.

Presiding Inspector: I am already reconciled to that.

Mr. Gladstein: You want me to explain the purpose?

Mr. Del Guercio: No, you need not explain.

Mr. Gladstein: If Mr. Del Guercio is questioning—

Mr. Del Guercio: (Interposing) I would rather hear the witness, for that matter.

Presiding Inspector: I think you have gone far enough. I suggest you go to something else. You have shown these statements were made on the general subject of the Communist activities as the witness viewed them, without any particular reference to any individual, is that right?

The Witness: That is right. Individuals may have been mentioned here and there, but it was just the general policy in the main.

By Mr. Gladstein:

Q. Didn't you testify a moment ago that you did talk about Harry Bridges in a statement you gave to the Dies Committee?

(Testimony of Ezra Chase.)

A. Yes, but I make no claim as to the report being ab- [660] solutely complete in none of its contents. It is more of a summary of Communist activities throughout the United States in a general way. I made no attempt to make the report absolutely complete on everything that I knew about it.

Q. Did you sign the statement when it was finally prepared? A. Yes.

Q. Did you get a copy of it?

A. There was a copy made for me. I don't believe I ever picked it up.

Q. Don't you know?

A. No, I didn't; I am sure I didn't pick it up.

Q. All right. Now, you have mentioned two statements; one to the Immigration Inspectors in Los Angeles by the name of Ellis and Dunne, and the other to the two representatives you have named of the Dies Committee. Other than those two have you ever made any statement containing your information or knowledge concerning whether Harry Bridges was or is a Communist?

A. I recollect no others.

Q. None at all?

A. No. I have no recollection of any others at this time.

Q. Did you ever give a statement to the FBI?

A. I thought I had told you about that.

Q. Well, as I recall it, you have testified to one you [661] gave to the Immigration Department, and one you gave to the Dies Committee—

(Testimony of Ezra Chase.)

Mr. Del Guercio: (Interposing) Pardon me, Mr. Gladstein. [I may be wrong, but I thought I heard the witness testify that he had made a statement to the FBI.

Mr. Gladstein: Did he?

Presiding Inspector: I think Mr. Myron questioned him on that, didn't you, as to whether they were at separate times?

Mr. Myron: I think he made the statement that it was at the time the one was made to the Dies Committee. That was in the form of a question.

Presiding Inspector: I thought there was some testimony on that. I don't know as it is very material. I thought there was some such testimony.

By Mr. Gladstein:

Q. Did you give a statement to the FBI?

A. Yes.

Q. That is, to representatives of the FBI?

A. Yes.

Q. When?

A. That would be about September or October of last year.

Q. That would be after the statement that you gave to the Dies Committee? A. Yes.

Q. This is a third statement? [662]

A. Yes.

Q. A written statement? A. Yes.

Q. Signed? A. Yes.

Q. Did you get a copy? A. No, I didn't.

Q. Did you ask for a copy? A. No, I didn't.

Q. And you never received one? A. No.

(Testimony of Ezra Chase.)

Q. With respect to what you said concerning Harry Bridges, and affiliation with or membership in the Communist Party, is there any difference between what you said in the written statement you gave to the FBI and in the written statement that you gave to the Dies Committee representatives?

Mr. Del Guercio: I object to the question, to the form of the question.

Presiding Inspector: The question is rather an unusual question. You haven't the documents here. I will permit you to ask whether he recalls any difference in those statements; I mean when the same subject was covered in both documents. You wouldn't want omissions in one statement and affirmative matters in another.

Mr. Gladstein: We don't have the documents. We are trying, [663] of course, to find out whether there are any inconsistencies in his statements.

Presiding Inspector: You can hardly find it out from the witness.

Mr. Gladstein: We can ask, first of all, whether there are or not.

Presiding Inspector: As far as he remembers.

Mr. Gladstein: Yes; of course.

Presiding Inspector: Ask him whether he remembers any difference between these three statements as to statements of fact. Of course, it has been very clear, in the statement that he gave during the Landis investigation, he didn't cover all the activities of the Communist Party, or it is prob-



(Testimony of Ezra Chase.)

able he didn't, as he did in the statement given the Dies Committee. You don't mean that?

Mr. Gladstein: I am not interested in that. I confine my question to the defendant, Mr. Bridges, in this case.

Presiding Inspector: Ask if he remembers any difference in the statements. He may state that.

Mr. Gladstein: Thank you.

Presiding Inspector: You can put the question that way.

By Mr. Gladstein:

Q. I think you put the question. Do you understand the question? A. — Yes? [664]

Q. Answer it.

A. There could be some difference. The reports weren't absolute duplicates of one another. I am quite sure. There are a number of reasons that I have as to why I believe Harry Bridges to be a Communist. At one time I may consider that for a certain reason and at another time it may be for another reason, because anybody who has been in bed with Communists as long as Harry Bridges has must have left a lot of tracks.

Presiding Inspector: I don't know that that advances us very far.

Mrs. King: May we have a recess?

Presiding Inspector: You are inquiring about things you haven't the fundamental knowledge of.

Mr. Gladstein: We don't have the documents.

Mr. Del Guercio: Of necessity, any answer to a

(Testimony of Ezra Chase.)

question would depend, first, on the circumstances under which the question is asked; and, secondly, the formation of the question, and on the state of mind of the witness at the time.

Presiding Inspector: That is quite obvious.

By Mr. Gladstein:

Q. At the time you made the statement for the FBI last year were you shown either of your prior statements that you had given to the Dies Committee or to the Immigration Inspectors? [665-6]

A. I don't recall whether I was or not.

Q. Don't you remember that?

A. No, I don't.

Q. At the time that you gave the statement to the Dies Committee representatives were you shown the statement that you had given to the Immigration Inspectors during the last Bridges hearing?

A. I don't remember.

Q. You don't recall that either? A. No.

Mrs. King: If your Honor please, the statement to the FBI, as opposed to the statement to the Immigration Service, is likewise in the hands of the Attorney General as the head of the Department of Justice. I should like, therefore, to request that when Mr. Del Guercio writes to the Attorney General with reference to the statement given to the Immigration officials, that he should also at the same time write with reference to instructions concerning the statement made to the FBI.

Presiding Inspector: I think that would be fair.

(Testimony of Ezra Chase.)

Mr. Del Guercio: I will only do so at your request.

Presiding Inspector: I request it.

Mr. Gladstein: Would your Honor want a recess at this time?

Presiding Inspector: We will take a short recess. [667]

(Whereupon a short recess was taken.)

Presiding Inspector: Mr. Gladstein, the witness is yours.

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. For a moment, Mr. Chase, I want to ask you about the Moody—M-o-o-d-y—strike. Is that right?

A. Yes.

Mr. Del Guercio: M-o-o-v-y?

Mr. Gladstein: M-o-o-d-y.

By Mr. Gladstein:

Q. Did the American Federation of Labor, Central Labor Council, in Los Angeles, have the Moody Company on the so-called—"Unfair list" or "We do not patronize" list?

A. I do not believe so.

Q. Is that your best recollection?

A. Yes. It would very likely have been me who would have introduced the motion in the Central Labor Council, and I have no recollection of having made any such motion.

Q. But you would not want to be sure about that?

(Testimony of Ezra Chase.)

A. I wouldn't be positive, no, sir, but my best recollection is it wasn't.

Q. Do you know whether the Central Labor Council supported the Moody strike in any way?

A. No. The Central Labor Council seldom supported the [668] strikes that were called by Local 15. They regarded it as a Communist Union and any support they did give was usually with the left hand.

Q. Was any support given in the case of the Moody Strike by the Central Labor Council?

A. No.

Q. Can you think of any strike conducted by Local 15, while you were in it, to which—

A. (Interposing) Well, I—

Q. (Continuing) I haven't finished the question yet. You cannot answer the question until I have finished.

Mr. Del Guercio: If you make it short he might be able to.

Mr. Gladstein: I will ask the question again.

Q. Can you think of any strike of Local 15, while you were a member of it, to which the Central Labor Council did give support?

A. What do you mean by "support"?

Q. Support on the picket lines, financial support, support by resolutions asking unions to support it, putting the Company on the unfair list, asking other unions or other employers to boycott the firm—all of those things will be included within my word "support".

(Testimony of Ezra Chase.)

A. Yes. The Central Labor Council throughout the United States, I believe, gave support on the strike against [669] the Kroehler Manufacturing Company, not especially at the plant in Los Angeles, but because of it being a nation-wide concern, and there were bona fide strikes against it that were sanctioned by the American Federation of Labor in various localities throughout the United States; but as far as getting any support for the strike there in Los Angeles was concerned, it was negligible. [670]

Q. Well, what kind of support, negligible, or otherwise, did the Central Labor Council give to Local 15 in the Kroehler case?

A. It was placed on the unfair list.

Q. That is, the company was?

A. Yes, and the longshoremen, at the expense of \$50.00 they loaned us the beef squad to come up there and mess things up a little.

Q. Now, what about the Universal strike? Did the Central Labor Council give any support to Local 15 in that case?

A. None whatever.

Q. Not at all?

A. (No response.)

Q. What is the answer?

A. Well, wait just a moment. The Universal, I do believe, was on the unfair list but that was the extend of the support.

Q. That is one of the strikes concerning which you have——

A. (Interposing) No, I——

(Testimony of Ezra Chase.)

Q. I haven't finished yet, please.

Universal is one of the strikes concerning which you made reports to Captain Hynes; correct?

A. Just a moment. There is one issue that is not clear on that Universal. The Universal was on the unfair list with the American Federation of Labor prior to the calling of that strike, and any support that it received from the Central Labor [671] Council was not because of that strike, but it was because of past connections.

Q. In the case of the Angelus strike did the Central Labor Council give support of any kind to Local 15—

A. (Interposing) There was another union—

Q. (Interposing) I haven't finished yet, Mr. Chase.

A. I can't tell when you are through.

Q. In the case of the Angelus strike did—  
Mr. Del Guercio: Angelus or Angeles?

By Mr. Gladstein:

Q. How is it pronounced? A. Angelus.

Q. How is it spelled? A. A-n-g-e-l-u-s.

Q. In the case of the Angelus strike—that is the one you were testifying about earlier this afternoon? A. Yes, sir.

Q. In that case, in that strike did the Central Labor Council give support in any form to Local 15 of the Upholsterers' International?

A. No, but another A. F. of L. union claiming jurisdiction over a portion of the plant broke the strike by going through the picket line.



(Testimony of Ezra Chase.)

Q. What union?

A. The Furniture Workers' Union; it is an affiliate [672] of the Carpenters and Joiners.

Q. What Local?

A. I just can't recall the number of the Local at the moment, but it is an affiliated union with the Carpenters and Joiners.

Mr. Del Guercio: If your Honor please, I don't want it to appear that I am trying to limit counsel's cross examination, but I think we have reached a point here where we should decide what are reasonable limits and what are unreasonable limits. We are going far afield, it seems to me, with inquiries into these various strikes.

Presiding Inspector: Well, in many of these cases, I suppose, he has concluded by the answers of the witness, that they are on the direct issues of Mr. Bridges' membership in the Communist Party, or on the subversive enterprises of the Communist Party.

Mr. Del Guercio: But these other strikes are so far afield and so far remote.

Presiding Inspector: They don't harm you because if they aren't on one of those two issues, if they simply go to the credibility of the witness on a collateral point, counsel is concluded by the answer of the witness.

Mr. Gladstein: May I say, in view of Mr. Del Guercio's objection, what our purpose is in going into this character of testimony with the witness so that it will be clear? [673]

(Testimony of Ezra Chase.)

It is our purpose to show that the strikes, which were conducted by Local 15, Upholsterers' Union, to which the witness has testified, did, in fact, receive official support from the American Federation of Labor in Los Angeles and were bona fide trade union strikes, that it follows as a consequence that when this Witness Chase acted as an informer and undercover operator for Captain Hynes, giving him reports concerning these strikes and concerning the breaking of the strikes and informing him in advance of the calling of the strikes, that Mr. Chase thereby places himself in the position of an anti-labor spy and that he, thereby, by virtue of that fact is the kind of person who, having that kind of a bias and prejudices, places great doubt upon any testimony that he gives in this case against Mr. Bridges. That obviously goes to the question of the credibility of the witness.

Presiding Inspector: Yes, but on those points you are bound by the evidence of the witness; they are purely collateral to the main issue.

Mr. Gladstein: Well, now, if your Honor please—

Presiding Inspector: You may ask all you wish within limits about the conduct of this witness for himself. You couldn't contradict him on collateral points. You could go on forever, if that were so.

Mr. Gladstein: Well, your Honor—

Presiding Inspector: (Interposing) On the question of [674] credibility you may not contradict the witness by direct testimony.

(Testimony of Ezra Chase.)

Mr. Gladstein: Do you mean, your Honor, that we are bound——

Presiding Inspector: Now, it is elementary, elementary in the law.

Mr. Gladstein: I wish to ask a question.

Do you mean we are bound by this witness' answers as to bias or prejudices?

Presiding Inspector: Certainly, as to definite points, as to definite actions.

Mr. Gladstein: Well, now, if your Honor please——

Presiding Inspector: You may show bias and prejudice by other witnesses, of course.

Mr. Gladstein: That is right.

Presiding Inspector: But that must be bias and prejudice directly and not by a contradiction of this witness on collateral issues, but it is elementary of the law; every law student knows it.

Dean Landis laid it down in his report; he discussed it.

Mr. Gladstein: Well, as a matter of fact, your Honor, Dean Landis correlated the authorities pointing out the relevance of testimony which goes to show that a witness has a bias or prejudice of an anti labor character.

Presiding Inspector: Certainly, that is all competent to show; it is competent; I am not stopping you. [675]

Mr. Gladstein: Yes, your Honor.

Presiding Inspector: It is all competent, but you are bound by the evidence of the witness.

(Testimony of Ezra Chase.)

Mr. Gladstein: I think we would be entitled to call other witnesses.

Presiding Inspector: We haven't come to it anyway.

Mr. Gladstein: All right, your Honor.

Presiding Inspector: On collateral matters, on collateral matters you are bound by the evidence of the witness.

Mr. Gladstein: Is it your Honor's position that the bias or prejudice of the witness would be a collateral matter?

Presiding Inspector: Why, certainly, or his credibility. Supposing you asked him if he stole \$50.00 from John Doe on such and such a day.

Mr. Gladstein: That would be collateral.

Presiding Inspector: That would be absolutely collateral.

Mr. Gladstein: Suppose I asked him if he was getting a thousand dollars for testifying and he said "No" and I could prove otherwise?

Presiding Inspector: Yes, but the question, whether you asked him or not would be evidence which would be admissible whether you had asked him or not.

Mr. Gladstein: Well, in other words, —

Presiding Inspector: You can't ask him anything to contradict him for the purpose of showing that what he has testified [676] on the stand has been false.

Mr. Gladstein: I didn't quite understand it.

Presiding Inspector: For the purpose of show-

(Testimony of Ezra Chase.)

ing, he has falsely testified on the stand, with that sole purpose.

Mr. Gladstein: You say I can't?

Presiding Inspector: No. Just the example I gave, if you asked him as to whether he had stolen \$50.00 from John Doe on a certain day, and he said, "No", you couldn't put John Doe on the stand and show that he did, because that would have no purpose; that would have no purpose in this case.

Mr. Gladstein: I agree with that.

Presiding Inspector: Unless it bore on one of the issues.

Mr. Gladstein: That is correct.

Presiding Inspector: Now, you can show independent evidence, whether he has testified about it or not, bearing on his credibility.

Mr. Gladstein: Well, as I understand it—

Presiding Inspector: Independent testimony to show that he is not a faithful witness, to show bias.

Mr. Gladstein: I see.)

Presiding Inspector: You can show that he said, for example, to Richard Roe that he had a personal grudge against Mr. Bridges, we will say, for the sake of argument.

Mr. Gladstein: Yes.

Presiding Inspector: You could show direct bias; whether [677] he testified about it or not.

Mr. Gladstein: Yes.

Presiding Inspector: Well, that is the rule.

Mr. Gladstein: Well, I don't think we have any disagreement there.

(Testimony of Ezra Chase.)

Presiding Inspector: Perfectly elementary. I think every lawyer that ever tried a case knows that.

(Discussion off the record.)

Mr. Gladstein: What was the last question?

Mr. Grossman: Your Honor, do I understand that the record thus far does not include any argument of counsel?

Presiding Inspector: It includes the objections of course, and the rulings on them.

Mr. Grossman: But no—

Presiding Inspector: (Interposing) I think you will find—I am not quite sure of it—I think you will find that the rule laid down by the Attorney General says that argument is not included in the—

Mr. Del Guercio: (Interposing) At the discretion of the Presiding Judge.

Presiding Inspector: At the discretion of the presiding Judge.

Mr. Grossman: I think it is our position that it may not be a part of a certain kind of record, but that it becomes a part of the record of this case. We want some permanence [678] to be attached, if possible, to the arguments made, though that may be excluded when you transmit an official record to Attorney General Jackson.

Presiding Inspector: Very well, we will have no trouble about it.

Mr. Gladstein: Will you read the last question, please?

(The question referred to was read by the reporter.)



(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. I think you said, Mr. Chase, that you work as a pest control operator? A. Yes, sir.

Q. Is a license required for that kind of a job?

A. The firm at the present time must be licensed; the person in charge is required to be licensed.

Q. You are not the person in charge?

A. No.

Q. The employees are not required to be licensed?

A. Not as yet.

Q. Well, then, actually an employee would not be a pest control operator, but working for a pest control operator; is that right?

A. Well, I didn't say I was a pest control operator. I said I was working as a pest control inspector and somebody else injected that part into it.

Q. Now, Mr. Chase, when did you say you left the Upholsterers' Union? [679]

A. I said that was around the early part of December, around the early part.

Q. Before that you had a paid job as organizer?

A. Yes, sir.

Q. Did you lose that position? A. Yes.

Q. What? A. Yes.

Q. By action of the membership of the union?

A. By action of the Communist Fraction in the union.

Q. You mean the union did not act on it?

A. The Executive Board acted upon that and the Executive Board was about 70 to 80 per cent Communist.

(Testimony of Ezra Chase.)

Q. Did the membership of the union act on it or not?

A. The membership would probably verify the acts of the Executive Board; I don't know that they did in this case.

Q. So you can't say? A. No.

Q. But what the membership did authorize or verify— A. No.

Q. Well, let me finish.

A. I am not informed on that.

Q. You are not in a position to say that the membership did not authorize or verify your dismissal from the post as organizer?

A. No, I don't know it to be a fact one way or the [680] other.

On my dismissal as organizer—just a moment here; I misunderstood you there. No, the membership did act on my dismissal as organizer, absolutely. I was misunderstanding you; my error.

Q. When did Local 15 go to the CIO?

A. Some time in December, I believe.

Q. Of what year? A. 1937.

Q. Were you in agreement with that movement?

A. No.

Mr. Del Guercio: I object, your Honor.

What difference does it make whether he was in agreement or disagreement with that with the issues in this case, or to the credibility of the witness.

Mr. Gladstein: It is preliminary.

Presiding Inspector: I will take it. I am allowing very wide latitude here.

(Testimony of Ezra Chase.)

Mr. Del Guercio: Very.

Presiding Inspector: You shall have it too.

The Witness: I started to say that when we came really close to the move I went to J. W. Buzzel of the Central Labor Council and I reported to him the conditions that were—the events that were happening, and he sent a telegram to William Green in Washington who authorized the Upholsterers International to send a man out to try to gain control of the [681] union again.

By Mr. Gladstein:

Q. I take it you were opposed to the move to the CIO?

A. Yes. Incidentally, on this subject, Walter Westfall, the Communist Party member who was the Business Agent, made a statement to the American Federation of Labor covering the conspiracy of the Communists inside the union to take it to the CIO.

Q. Well, then, I take it that you would have been opposed all the way along to affiliation with the CIO?

A. I would have taken action, yes, to have opposed any move that the Communists were making.

Q. Well, were you opposed to affiliation of Local 15 with the CIO?

Mr. Myron: He has answered the question.

A. Yes. I considered the CIO, to a large extent and especially in the furniture industry, to be under Communist domination and I would have opposed that, yes.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. For how long a period before the actual move to CIO were you openly opposed to it?

A. There was a time that I thought I would like to go CIO, but when it reached the point to where I knew I was definitely going to break with the Communist Party I done an about face and swung my support back to the American Federation of Labor. [682]

Q. Now, I think you said—

A. (Interposing) There was, for a long while, I was in favor of the CIO, made a number of talks in favor of it.

Q. I see.

A. At the instructions of the Communist Party, of course, and you must understand at this point that my livelihood was wrapped up in the furniture industry, and being a member of the Communist Party, I couldn't just walk out and get another job. You sometimes have to do things in order to make a living that you probably wouldn't like to do. And having been involved with the Communists, I did not have the economic strength to break with them at any time that I wanted to. I had wanted to for quite a long time, but I had to do their bidding because they were the master in that union.

Q. Do I understand, then, that there was a time, when you were advocating affiliation to the CIO not because you believed in it, but because you regarded that as the most expedient thing for you personally?

(Testimony of Ezra Chase.)

A. No, I wouldn't state it that way by a long shot.

Q. How would you state it?

A. It is because my economic welfare was firmly in the hands of the Communist Party and I was acting under the lash of necessity at their orders.

Q. Without the exertion of the Communist Party in that union would it have gone CIO? [683]

A. No.

Q. Now, for how long a period of time before that actual move to the CIO did you take an open position against that change of affiliation?

A. Oh, probably just a few weeks before I took an open position.

Q. And prior to that time for how long a period had you secretly been opposed to CIO affiliation but not in a position, as you have explained it, to openly oppose such change of affiliation?

A. I couldn't state; I don't recollect how long it would have been. There were times in there that I was somewhat undecided as to which way to move; I didn't know what to think. I was not exactly satisfied inside the American Federation of Labor, and events took place that made it appear that I would be even less satisfied inside of the CIO.

Q. Well, what caused you to be indecisive about this?

A. Well, I didn't like the CIO mainly on the ground that the Communists were in control of a great portion of it.

Q. And what caused you to be indecisive with respect to staying in the A. F. of L.?



(Testimony of Ezra Chase.)

A. I believed that—

Mr. Del Guercio: Just a moment, please. I am getting so that I confess here I don't know when to object and when not to object.

Presiding Inspector: You may object any time that you [684] think.

Mr. Del Guercio: But it has gone so far afield.

Presiding Inspector: You may object any time you believe it is improper.

Well, we have gone into the question of indecision and I think I will allow counsel to ask the witness how the indecision arose and how it was resolved; we are already in this.

The Witness: I would like to answer the question.

Mr. Gladstein: Read the question, please.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter.)

A. I had no trade union experience or no experience whatsoever with labor organizations until such time as I had went into the Communist Party, and going in there they gave me the first signs of a working class education. I read such books as William Z. Foster's entitled "Labor Fakery" and various other pamphlets that were written for the purpose of denouncing and discrediting the American Federation of Labor, and putting forth the industrial union program of the Trade Union Unity League, the Trade Union Educational League, and such as that, and from only hearing one side of the



(Testimony of Ezra Chase.)

question, and having it driven to me thoroughly and over such a period of time I had come to regard the American Federation of Labor as an organization made up of a lot of crooks and thieves, fakers, a bunch of ogres of various kinds. Through this schooling I [685] had reached a point to where I had nothing but contempt and hatred for the American Federation of Labor. But, as I went further in and had a greater insight into the way the Communist Party conducted its union affairs I could understand then, and I could appreciate that the American Federation of Labor was a far greater instrument of value in the hands of working men for extending their working conditions and not excepting the fact that it did not have, as a part of it, the violent overthrow of our Government.

Now, when I commenced to get a complete picture of it I sincerely regretted in my heart that I had ever taken the steps and had ever made some of the utterances that I made against the American Federation of Labor and other institutions which are a part of this country, and I have tried to make reparations of that.

Presiding Inspector: Any further questions?

Mr. Gladstein: Oh, yes.

Mr. Del Guercio: May I ask just one question and then I will cease. What kind of a line is this?

Mr. Grossman: You mean the witness' statement?

Mr. Del Guercio: No, the line that you are taking now?

(Testimony of Ezra Chase.)

Mr. Grossman: What do you mean by "line?"

Do you want to know the next question?

Mr. Del Guercio: No; sit down.

Mr. Grossman: All right. If your Honor please, I think we might as well have an understanding at this time with [686] respect to the conduct of Mr. Del Guercio. I think it ought to be in accord with the usual court room manner in respect to members of the bar. I don't know whether Mr. Del Guercio is a member of the bar, but I assume he is, and if he is, he certainly ought to give the respect and dignity that is due to the Court and to counsel who are participating in any case.

Presiding Inspector: Let's hear the next question.

By Mr. Gladstein:

Q. Now, I think you said you went back to the Dies Committee to testify in April of 1940; is that right? A. Yes.

Q. At whose expense?

A. At the expense of the Dies Committee, I presume.

Q. Don't you know?

A. They are the ones—I suppose it comes directly from them, but out of the Government indirectly.

Q. Now, who paid your expenses? Did you do so? Did you get money to pay them?

A. No; arrangements were made that I was to get my ticket and I was paid off for my witness

(Testimony of Ezra Chase.)

fee at the Treasury Department of the United States Government.

Q. From whom did you get your ticket?

A. From the United Air Lines.

Q. Do you know who arranged for that ticket to be given to you at the United Air Lines?

A. No, I do not. [687]

Q. Well, who advised you that you could pick it up there?

A. James Stedman.

Q. The representative of the Dies Committee?

A. Yes.

Q. You say you received a witness fee?

A. Yes.

Presiding Inspector: Well, isn't this a little remote from the issues before us? It is the usual practice, I suppose.

By Mr. Gladstein:

Q. What other expenses besides the airplane ticket did you receive?

Mr. Myron: Of course, your Honor, if there is any evidence that the Alien wishes to offer that anything was improperly done in securing his evidence as a witness before the Dies Committee, why, we won't object to the question, that is, if they make an offer of evidence.

Mr. Gladstein: We just have a right to ask.

Presiding Inspector: Yes, but I don't suppose you claim anything of that kind so far as yet.

Mr. Gladstein: All right.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. Mr. Chase, going back for a moment to the time that you were giving a statement to the Immigration Inspectors during the 1939 Bridges Hearing, after you gave that statement did you ever hear from the Inspectors again? [688] A. No.

Q. Or from anybody else? A. No.

Q. You did not testify as a witness in the last hearing? A. No; you know that.

Q. Did anybody tell you why your testimony was not used? A. No.

Mr. Del Guercio: I object to that, if your Honor please.

Presiding Inspector: Well, he says, "No."

By Mr. Gladstein:

Q. Were you told at the time your statement was taken as to whether you would be willing to be a witness? Were you asked that?

A. That is better. Yes.

Q. What did you say?

A. I said yes I would.

Q. But no one asked you to be a witness, is that correct?

Mr. Myron: Well, that is evident; he was not a witness, was he?

Mr. Gladstein: That doesn't follow.

Presiding Inspector: I think he has already answered that. [689]

Mr. Gladstein: Well, I didn't remember that he had.

(Testimony of Ezra Chase.)

Presiding Inspector: I think so, but to be sure, did any one ask you?

The Witness: They asked me if I would be willing to testify. I told them "Yes."

Presiding Inspector: Yes, but you weren't asked to be a witness after?

The witness: No.

By Mr. Gladstein:

Q. Was there anything else said in that connection in that conversation?

A. Not that I recollect.

Q. What names, if any, were mentioned during that conversation that you remember?

Mr. Myron: Which conversation is he referring to? I am wondering why this examination is being made? Is it for the purpose of delaying this witness over here for the next week.

Presiding Inspector: I don't know, can't tell. Go ahead, Mr. Gladstein.

Mr. Gladstein: Counsel says that the witness may not know which conversation we are talking about. I thought it was clear, but I will make it clear which one I am discussing.

Q. I am talking now, about the time, Mr. Chase, that you went up to the Immigration Office and there were present [690] with you a stenographer and two Immigration Inspectors whose names you have given. I think they were Dunne and Ellis, or Ellis and Dunne; is that right? A. Yes, sir.

Q. Now, on that occasion—will you direct your mind to that occasion? A. Yes, sir.



(Testimony of Ezra Chase.)

Q. Tell us all that was said with respect to the possibility of your testifying in the Bridges case that you can remember.

A. I am very sorry; I don't remember.

Mr. Del Guercio: If your Honor please, I object to that. It has already been asked and answered. He has had the witness in that office there.

Presiding Inspector: I think you have covered that. He says he was asked whether he would be a witness and he said he was willing to be a witness, and they didn't ask him to be a witness afterwards.

Now, what more can there possibly be than that?

By Mr. Gladstein:

Q. Did they ask you whether you had ever sat at my meetings with Mr. Bridges?

Mr. Del Guercio: I object to that as being asked and answered.

This witness has given all the conversation that was had there at that particular time.

Presiding Inspector: I will take that as an attempt to [691] refresh his recollection.

Mr. Gladstein: Will you read the question?

(The question referred to was read by the reporter.)

A. I don't remember.

By Mr. Gladstein:

Q. Did they ask you whether you had ever heard Mr. Bridges make any speeches?

A. I don't remember.

Q. Did they ask you whether you had ever sat in



(Testimony of Ezra Chase.)

any Communist Party meetings with Mr. Bridges?

A. I don't remember.

Q. Did they ask you whether you had ever seen any membership book in the Communist Party purporting to belong to Mr. Bridges?

A. I do not remember.

Q. Did they ask you what information you had that would prove that Mr. Bridges was a Communist?

A. I can't remember what was asked me at that interview. I think I have stated that a number of times.

Q. Do you remember anything that you said in that conversation?

Mr. Myron: He has repeated the conversation a few times.

Mr. Gladstein: I am asking him now if he remembers anything that occurred.

Mr. Myron: You mean other than what he has already said?

Mr. Gladstein: I don't know what he has already said. [692]

Mr. Myron: Well, the record contains it.

Presiding Inspector: I think you did ask him about that.

Mr. Gladstein: All he said, he dictated a statement, on it.

Mr. Myron: That is saying a lot.

Mr. Gladstein: All right, let me ask it this way:

Q. Do you remember anything that you dictated in your statement to the Immigration—

(Testimony of Ezra Chase.)

A. (Interposing) No, I don't; I don't clearly remember what was in the statement.

Q. Can you tell me anything at all that you dictated in that statement?

Mr. Myron: That was asked and answered.

A. It concerned the Bridges matter. Just what was said in the statement I do not recollect at this time.

Mr. Del Guercio: If the Court please, obviously counsel could ask a million and one questions as to, did you say this, did you say this other thing. Now, there certainly is a limit there.

Presiding Inspector: Yes, I think he has got about to the limit.

Mr. Gladstein: Not quite, your Honor. I have one more question.

Presiding Inspector: About to the limit.

By Mr. Gladstein:

Q. Isn't it true that you saw this statement that you dictated to the Immigration Inspectors only Tuesday of [693] this week, or last week?

A. It seems to me that I did, but I wouldn't be too positive about that. I was rather tired getting in, and I saw a statement, and I am not going to be too sure that it was that statement either, because I have been doing quite a little bit of reading and looking around, and I could be mistaken on that. It is entirely possible I could have been mistaken.

Presiding Inspector: The next question.

(Testimony of Ezra Chase.)

By Mr. Gladstein:

Q. At any time in your discussions with the FBI Agents were you told why you were not called as a witness in the 1939 hearings?

A. No, I was not.

Mr. Myron: What would they know about the reasons why he was not called, or anything like that?

Mr. Gladstein: I am just asking the question.

Mr. Myron: Do you intend to offer evidence to that effect?

Mr. Gladstein: I have a right to ask the question; don't I, your Honor?

Presiding Inspector: I am not sure about that. Would they have a right? Would an FBI agent have a right to tell—would he be the person who would conclude whether a person should be a witness or not? [694]

Mr. Gladstein: No.

Presiding Inspector: Well, then, I wouldn't ask the question. I don't think you will get anywhere with it.

By Mr. Gladstein:

Q. Well, has anybody ever told you why you were not called as a witness?

Mr. Del Guercio: Just a minute. That is the same question in a different form.

Presiding Inspector: Any one of the people in the room might have told him that; we couldn't go into that, any person.

(Testimony of Ezra Chase.)

Mr. Gladstein: That would include responsible officials. In other words, I don't want to pin it down to any branch of the Government.

Presiding Inspector: You can ask if Mr. Landis told him that, or the counsel in that case told him that——

Mr. Gladstein: (Interposing) Well, I am, of course, referring to representatives of the Government. I can put it in this way:

Presiding Inspector: Well, ask if representatives of the Government——

By Mr. Gladstein:

Q. (Interposing) Has any representative of the Government, or any Department of the Government ever told you why you were not called as a witness in the last hearing? [695]

A. No.

Q. Now, you testified that in the telephone conversation between you and Mr. Baron, Mr. Baron said that Comrade Bridges was coming into town; is that right?

Mr. Myron: Are you testifying for the witness?

Presiding Inspector: Now, wait; you are quoting testimony this time.

Mr. Gladstein: Well, I will withdraw it and put it this way:

Q. Did Mr. Baron use the expression "Comrade Bridges" in his telephone conversation to you?

Presiding Inspector: Now, we have been all over that, and the witness said in answer to your question

(Testimony of Ezra Chase.)

that he either said "Comrade Bridges" or "Harry Bridges" and he was not sure which.

By Mr. Gladstein:

Q. Is that a correct statement?

A. That is correct.

Q. That is, you don't remember whether it was Comrade Bridges or Harry Bridges?

A. In circles in the Party I have heard him referred to both ways innumerable times and it is hard to remember the exact precise instance.

Q. How many times have you heard Mr. Bridges referred to as Comrade Bridges?

A. Oh, a number of times. There is no Communist in the [696] movement that don't believe Harry to be a member; that is common knowledge?

Q. Now, how many times have you heard Mr. Bridges referred to as Comrade Bridges?

A. Probably hundreds or innumerable times by practically all of them that I have come in contact with.

Q. Perfectly open and not any attempt to conceal it?

A. I said among members.

Q. I say that; is that correct?

A. And then when the movement came on, though, to cover him up more, at the time of the 1934 strike, it being quite a success; the Communist stuck their chin out a mile to take credit for that strike, and it was openly boasted among Party members themselves and it was quite general, but as the heat was turned on, why, they commenced then to cover up.



(Testimony of Ezra Chase.)

Q. When was that heat turned on?

A. Oh, I would say right about some time in 1937 while they were getting pretty tight on the subject, quite tight.

Q. From about that time on they stopped referring to Mr. Bridges as Comrade Bridges?

A. I don't know what they did after I left the Party.

Q. Well, what is your testimony on the subject?

Mr. Myron: There it is, right there.

Presiding Inspector: Go ahead, Mr. Gladstein, Don't interrupt unless you have an objection.

By Mr. Gladstein: [697]

Q. Were these references being made as Comrade Bridges continuously while you were in the Party, up until 1937; that is what I want to know.

A. Yes; not only that, but Elmer Hanioff who was the County organizer, by the way, told me definitely on one occasion that Bridges was a Communist.

Q. When was this?

A. That was in 1934 during the Longshoremen's strike; he told me that the Communists had the leadership of it.

Q. Is this the first time that you have mentioned this to anybody?

A. I have known it quite a while.

Q. Is this the first time you have ever mentioned that to anybody?



(Testimony of Ezra Chase.)

A. Oh, I might have mentioned it a time or two, but it actually happened.

Q. Mr. Chase, tell me when, prior to today, that you have ever mentioned the fact that Elmer Hanoff, if it is a fact, as you testified, told you that Bridges was a Communist?

A. I probably haven't.

Q. What is the answer?

A. I probably haven't told it very generally.

Q. You probably have not?

A. Yes, sir. There are several things that I haven't told generally that went on in the Communist movement that I might decide to tell some time.

[698]

Q. Mr. Chase, why did you not tell the Dies Committee you were being asked what information you had that would prove that Bridges was a Communist, this statement of Elmer Hanoff to you as to the effect that Bridges was a Communist?

A. Well, I didn't consider the testimony on the Bridges case before the Dies Committee as having a great deal of importance. I was testifying more as to general policy and Communist movement on a very wide scale, and I was not going into any great lengthy detail to furnish complete testimony on any particular phase of it.

Questions were being directed to me by first one; by the time I would get it half answered someone else would interject a question.

Q. Is that your reason? Is that your explana-

(Testimony of Ezra Chase.)

tion? A. Well, that could be, yes.

Q. Well, is it or not?

A. I said that I didn't testify completely to every phase of every subject.

Q. Mr. Chase, I asked you what the reason was that you did not mention this Hanoff incident to the Dies Committee, and you have just given an explanation. I am now asking you if that is your complete explanation to that question?

A. It might have, at the time, escaped my memory. I have mentioned possibly time and again that different members have referred to Bridges and have stated that he was a member [699] of the Communist Party.

Q. Did you ever tell that to any representative of the United States Government?

A. I don't recollect that I did. There is a few other things that I haven't told yet, too.

Q. Did you mention that Elmer Hanoff told you that Bridges was a Communist in any of these three statements that you gave, Immigration Department, Dies Committee and FBI?

A. Yes, I told the FBI.

Q. In that statement?

A. In a statement.

Q. Tell us what you said in that statement?

Mr. Del Guercio: I object, your Honor. He has just told him there what he said in that statement.

Mr. Gladstein: I mean concerning this incident. This is something new that the witness has not yet testified about.

(Testimony of Ezra Chase.)

~~Presiding Inspector:~~ That is true, but he just told you that he told them that.

Mr. Myron: With the aid of counsel they refreshed his memory.

Mr. Gladstein: Well, now, there is no——

~~Presiding Inspector:~~ Haven't you got it all?

Mr. Gladstein: Not yet, your Honor. This is the first time this has been mentioned in the case and, therefore, I [700] think I have a right to ask it.

~~Presiding Inspector:~~ I haven't heard it before.

Mr. Gladstein: Neither had I.

~~Presiding Inspector:~~ No.

Mr. Gladstein: And I would be very surprised——

~~Presiding Inspector:~~ (Interposing). You may, of course, ask about it.

Mr. Gladstein: Thank you.

~~Presiding Inspector:~~ But I think, as to the last question, you have already had the answer.

Mr. Gladstein: Well, as I understand it, the witness has said that he talked to the FBI and gave the FBI a statement he did tell them about this Elmer Hanoff conversation. Now, I want to go into the substance of what he told them, the essence of it.

~~Presiding Inspector:~~ If there is anything more you may, of course.

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. Will you please tell us what you told the FBI in this written statement concerning this incident

(Testimony of Ezra Chase.)

of Elmer Hanoff telling you that Bridges was a Communist?

Mr. Myron: You mean other than what he has already told?

A. I have about stated it; yes, there were other things in the report. [701]

By Mr. Gladstein:

Q. Concerning this incident, Mr. Chase?

A. No, nothing other than what we have stated here.

Q. Then, what?

A. Nothing other than what we have stated here on this particular phase of it.

Q. You mean what we have stated?

A. Yes, I have stated in their report, yes, that Elmer Hanoff told me that. There is other people have told me that, too, that I haven't mentioned.

Q. Who is Elmer Hanoff?

A. Elmer Hanoff was the County organizer, or Section organizer of Los Angeles at the time.

Q. Would you call him an important Communist?

A. Yes, he is a very important Communist.

Q. Were any of the other people who told you that Bridges was a Communist important people in the Communist Party?

A. Not so much so as Hanoff, no.

Q. Well, name some of the other important ones.

A. Ronald Keith told me that Bridges was a Communist. He had belonged up here; he is not so prominent.

(Testimony of Ezra Chase.)

Q. Who else?

A. Well, I never took the trouble to ask them, but they commonly refer to him as Comrade Bridges; they accepted him as a Communist through the Communist movement. You never hear them lambasting or criticising his actions, do you? [702]

Q. Now, in your direct examination for the Government in this case you did not mention this Hanoff incident. Can you explain why?

Mr. Del Guercio: Just a minute, if the Court please. In the first place counsel is misleading the witness.

Do you say that I asked the witness if Elmer Hanoff had asked if he was a member of the Communist Party?

Mr. Gladstein: Would you read the question?

(The question referred to was read by the reporter.)

Mr. Del Guercio: I think that speaks for itself because I didn't ask him, if your Honor please.

Presiding Inspector: I will let him answer.

Can you tell why? Yes or no.

The Witness: No, I don't know; it was not asked. It was not included in the statement. I would have answered it if it had been asked.

(Messrs. Gladstein and Grossman examine documents.)

Mr. Del Guercio: Does counsel desire a recess? Will it take very long?

Mr. Grossman: Two minutes.

(Testimony of Ezra Chase.)

Mr. Gladstein: Would your Honor be adverse to a recess for a couple of moments?

Presiding Inspector: No, not at all.

(Whereupon a short recess was taken.)

[703]

Presiding Inspector: Mr. Chase, would you be willing to write a letter for us?

The Witness: Write?

Presiding Inspector: Would you object to writing something with a pen and pencil?

The Witness: No, I wouldn't.

Presiding Inspector: Well, will you write—

Mr. Goodwin (interposing): I want to interpose, on the part of the Government, a formal objection to taking a specimen of the handwriting of this witness in advance of the offer of any document in court, or of any request, or any question presented to the witness as to whether a given document is in his handwriting.

We have discussed this, and we have given our reasons for our objection, and I am stating them merely for the present purpose of the record.

Presiding Inspector: We will see about any document afterwards.

We would like to have some of your handwriting now. I suggest that you write, not your signature, but write—let me see a document—

Mr. Gladstein (interposing) Read from this.

Presiding Inspector: What is that?

Mr. Gladstein: Dean Landis' report.

Presiding Inspector: That might be difficult.

[704]



(Testimony of Ezra Chase.)

Write this:

"This is the month of April in the year 1941 and the weather here in San Francisco has not been true California weather, according to the statements of people living here."

Sign that.

(Whereupon the witness wrote in ink and signed as requested.)

Presiding Inspector: Now write the following:

"But others who do not live in California are doubtful in this matter, although they have no personal knowledge sufficient to form a belief."

Sign that.

(Whereupon the witness wrote in pencil and signed as requested.)

Presiding Inspector: I am grateful to you.

Mark this for identification.

Mr. Gladstein: Could we have a photostat made of that, your Honor?

Presiding Inspector: Yes.

The Reporter: How shall I mark it, your Honor?

Presiding Inspector: It is an exhibit written at the request of the Court. Use the next exhibit number and call it "Court's Exhibit No."—whatever the next number is.

(The document referred to was marked Court's Exhibit No. 133 for identification.)

[705]

Mr. Gladstein: We have no further questions.

Presiding Inspector: Let me have the document that you spoke of so I may mark it.

(Testimony of Ezra Chase.)

(The document referred to was handed to the Presiding Inspector by Mr. Grossman.)

Mr. Del Guercio: I don't believe there are any questions on redirect.

Presiding Inspector: I have marked four photostatic pages with the date, April 4th, and either my initials or my name on them.

Mr. Del Guercio: All right. They will be available to us?

Presiding Inspector: Yes; they will be available. Are there any other documents?

Mr. Gladstein: That is all, your Honor.

Mr. Del Guercio: I will ask that the witness be excused.

Presiding Inspector: Yes. See how I have done that?

Mr. Del Guercio: Yes. That is the document to be offered by the defense?

Presiding Inspector: The ones they contemplate offering, I assume.

(Whereupon the documents referred to were returned to Mr. Gladstein.)

Presiding Inspector: There are no questions in rebuttal?

Mr. Del Guercio: No. [706]

Presiding Inspector: You are excused.

(Witness excused.)

Mr. Gladstein: Will you give permission to the reporter—I think that he probably has arrangements with his photostatic service—to have a photostat made of that exhibit so we may have exemplars?

Presiding Inspector: You may have the very important weather report and comment photostated; yes.

Mr. Gladstein: Thank you.

Presiding Inspector: It is eight minutes to five o'clock. Do you want to call another witness?

Mr. Del Guercio: I would rather not, your Honor.

Presiding Inspector: Then we will take a recess until Monday, April 14th, at ten o'clock in the morning, the understanding being about that as we agreed, all of us, in chambers.

Mr. Gladstein: Yes.

Presiding Inspector: That is, that if Mr. Bridges finds it necessary, in his opinion, to be away not more than one day of the week following next week, when an election takes places in his Union, he will be allowed to be away that day.

(Whereupon, at 4:55 o'clock P. M., Friday, April 4th, an adjournment was taken until Monday, April 14, 1941, at 10:00 o'clock A. M.) [707]

Court Room 276,  
Federal Building,  
San Francisco, California,

April 15, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[708]

### PROCEEDINGS

Presiding Inspector: All right, Mr. Del Guercio.

Mr. Del Guercio: If the Court please, at the last

session; I believe it was Friday, counsel for the Alien requested the Court that you instruct us to communicate with the Attorney General in regard to making available to the defense certain statements made by Government witnesses prior to their appearance on the stand.

The matter was discussed with the Attorney General by Mr. Schofield who, as you know, is in charge of the Immigration and Naturalization Service. I have his reply.

The Attorney General has left the matter entirely within my discretion. He has also stated that it is his desire, as well as the desire of Mr. Schofield, that if in any case a witness should, when called to testify, vary in any substantial or material way from prior statements made by the witness so as to indicate that he is testifying falsely, this should be frankly revealed by the Government.

I will follow that policy throughout.

Mrs. King: If your Honor please, I do not exactly know what the implications of Mr. Del Guerzio's remarks are, but this request was made with reference to a specific witness, Ezra Chase. He hasn't stated specifically whether he will or will not furnish the statements previously made by Ezra Chase to the Immigration Service, and to the FBI. But I rather as- [709] sume from his statement that he will not furnish them. I should like at this time to request him specifically to furnish those statements so that we will be talking about something definite and, if possible, so that we can obtain those statements.

Presiding Inspector: Do you want to say anything?

Mr. Del Guercio: No; I think my remarks to the Court cover generally the whole situation.

Presiding Inspector: Very well.

Do you want to cross examine Mr. Chase further?

Mr. Gladstein: Well, your Honor, we have not considered that because, frankly, we did not think that the Government would choose not to reveal a prior statement made to the FBI when it is claimed, as we have made the claim, that that statement, if revealed, would show contradictory statements, that is to say—

Mr. Del Guercio (interposing): There is no support for any such statement, if the Court please, and counsel has no business making any such remark.

Presiding Inspector: No; I understand your position on that. We will have to go to something else.

If you wish to cross examine Mr. Chase further, you may, he may be called, but if you don't care to cross examine him further we will have the next witness.

Mr. Gladstein: Could we consider that question for a [710] moment, your Honor?

Presiding Inspector: Yes, certainly.

Mr. Del Guercio: Of course, the Witness Chase was excused, your Honor.

Presiding Inspector: Yes, but—

Mr. Grossman (interposing): Your Honor, at this time we are not prepared to cross examine Mr.



Chase because we haven't completed our investigations of handwriting and other——

Presiding Inspector: Well, we will go on with another witness. If you want to make an application later I will hear you. Call the next witness.

Mr. Del Guercio: Take the stand——

Mrs. King (interposing): If your Honor please, before the examination of this witness is started I should like to go further into this problem of statements which are being withheld by the Government. This matter was gone into fully at the last hearing and it was shown that common fairness required that the statements be furnished to the attorneys for Mr. Bridges. We believe that this same rule should go at the present time. However, the Government, of course, runs its own case. However, if these statements are not to be furnished we suggest that a presumption should result from the failure to produce these statements. Obviously we cannot be bound by Mr. Del Guercio's opinion that the statements——

Presiding Inspector (interposing): Oh, well, no inference [711] that they are the same will be drawn or any inference that they are not the same.

Mr. Del Guercio: I also resent that remark of counsel.

Presiding Inspector: The Examining Investigator will draw no inference one way or the other from their absence because it is beyond the power of the Presiding Investigator to——

Mrs. King (interposing): Well, Dean Landis certainly did not regard it as beyond the power and stated to the Government at that time that it was



appropriate that an inference—that we should argue that an inference could be drawn if the Government did not produce these, and if you—

Presiding Inspector (interposing): Well, my present view is that—of course, I haven't made up my mind on that—but my present view is that no inference will be drawn by me one way or the other. Certainly no hostile view will be drawn.

Mrs. King: Well, if your Honor please, in view of your position and your present statement the attorneys for Mr. Bridges request that they have an opportunity to submit a memorandum of law with reference to this problem to establish that probably a presumption, and certainly an inference, is proper in the event that evidence solely within the power of one party is withheld by that party and is not produced for the consideration of the official who is investigating— [712]

Presiding Inspector (interposing): I will receive an argument in writing on that when the time comes. Of course, this evidence, as you call it, is not original evidence. It is simply—all you want it for is to effect the credibility of the witness.

Mrs. King: Yes, and this is a witness, of course—

Presiding Inspector (interposing): Well, I won't go any further with it now, but you may submit such an argument, of course.

Mrs. King: And you have a witness here who has been shown, from the written statement which appears in the Dies Committee reports, did testify in a very different way.

Mr. Del Guercio: He did not.

Presiding Inspector: This is argument which will come up ultimately, of course. There is no use in advancing it now. I understand what you mean. We will go on with the witness.

Raise your right hand and be sworn. [713]